

# The Kingdom Of The Netherlands In The Caribbean. Repairing A Not So United Kingdom ~ Can It Be Done?



How come there are so many problems in the Kingdom of the Netherlands nowadays? Are there any options to change things for the better? Can the Kingdom be repaired? What should be considered? These are the questions that are dealt with in this paper.

## *Uneasiness with the Charter's anniversary; why celebrate?*

In anticipation of the 50th anniversary of *Het Statuut***[ii]** some uneasiness has surfaced, both in the Netherlands as well as overseas, about how this occasion should be marked. Is it a time of celebration and, if so, how and what should we celebrate?**[iii]** Some authorities are concerned that the anniversary of *Het Statuut* could become a *testimonium paupertatis* of the operations of the Kingdom in the last 15 years, adding another obstacle into the problematic state of the Kingdom's Caribbean affairs. Others maintain that the Kingdom's Charter has served the Caribbean countries well.**[iv]** In the Dutch press, it is often reported that the Netherlands Antilles are a lost cause; a Caribbean democracy that has turned into a Dutch banana republic (sic) in the West Indies.**[v]** Over and again, irritation and frustration with the Antilles has been expressed in Dutch media.**[vi]**

But also the Governor of the Netherlands Antilles did not mince words when depicting (in April 2004) the crisis the Netherlands Antilles is experiencing: widespread and profound poverty, too many school dropouts with no prospects, a drugs trade that is increasingly derailing civil society, too many murders, muggings and burglaries and a frighteningly high crime rate.**[vii]** The number of homicides on Curaçao is staggering and 30 x higher than in the Netherlands.

Instead of a positive celebration, the Charter's anniversary could painfully highlight the instability of the Kingdom for the Caribbean countries and thus mortgage any attempt to redesign the relationships for years to come. There are several different accounts of why the state of the Kingdom is as it is. Here we explore some of these views.

### *How come there are so many problems nowadays?*

In recent years, social degradation, especially on Curaçao, high Antillean crime statistics in the Netherlands, an unbearable public debt, and outdated doctrines of autonomy and self-help (*zelfredzaamheid*) have cast a worrisome shadow over the operations of the Kingdom. Crimes, such as international money laundering and the drug-trade, have been gaining a foothold in places outside the control of the dominant formal powers. International terrorism can now be added to this list. The small island states are vulnerable to all of these opportunistic dangers as well as to environmental damage by international corporations. The drugs trade to satisfy consumer demand in Europe and the USA has pervaded Caribbean society. In 2001-2003, flights from Curaçao to Schiphol Airport, Amsterdam, were literally loaded with both traffickers and drugs.

Mismanagement and neglect of the welfare systems in the Netherlands Antilles have long driven strong migration to the Netherlands. Free migration is seen as a lifeline on the Caribbean islands, it is one of the Kingdom's most valuable assets. Yet this strong migration to an *overseas social paradise* has sharply driven up the Antillean share in the Netherlands' crime and unemployment statistics. So-called *Antillengemeenten* have sprung up, leading to calls in the Netherlands to close its borders to these migrants in future, or at least to Antilleans with a criminal record at home. The Dutch - Antillean relationship has become: 'sensitive, unequal and laborious'.**[viii]** There are various ways of interpreting this state of affairs in the Kingdom.

### *Was Kingdom's structure defective from the beginning?*

For some, the constitution of the Kingdom of the Netherlands was plainly wrong in assigning full responsibility for local government and administration to the Antillean authorities. The designers of the Charter purposefully limited the Kingdom's authority in the Antilles. The Charter was a landmark document concluding the colonial period. Suriname and the Netherlands Antilles would, as autonomous countries, take care of their own business; neither the Kingdom nor the Netherlands would have a say in local affairs such as government finance,

social and economic development, cultural affairs and education. From one point of view, the Charter's distribution of authority is the problem. Since the capacity of the Caribbean island authorities is manifestly limited, full responsibility for local government stretches beyond their command.

The founding fathers of the Charter defined the Kingdom essentially as a Kingdom-lite. A federal institution in which formal authority was limited mainly to foreign affairs, defence, and nationality and citizenship. In addition, the Charter stipulated areas of communal responsibilities, where the partners are required by statute to cooperate with one another (statutory cooperation). These communal areas are the rule of law, good governance, democracy and human rights. In these areas, the Caribbean countries have equal responsibility, but the Kingdom has the ultimate obligation of safeguarding the principles of good governance. Here the Kingdom's authority is confined to monitoring the performance of the island governments. In situations where the Caribbean countries do not live up to standards of good governance, the Kingdom has to act. However, deciding when this should be is easier said than done. As early as 1973, Cola Debrot, then Governor of the Antilles, warned of serious difficulties that would arise were the Dutch to decide there was reason to intervene in the areas of good governance, human rights and democracy in the Netherlands Antilles. **[ix]** On the part of the Antilles, such action would be considered an infringement of their autonomous arena.

Though *Het Statuut* specifies that the Kingdom must safeguard good governance, democracy and human rights in the Caribbean countries, the Dutch authorities have allegedly been slack in keeping up these standards. **[x]** Moreover, the whole question of Kingdom's safeguarding position is complicated by the logical *impossibility* of having responsibility for some standards of government without carrying responsibility for other, interrelated domestic affairs in the Antilles. **[xi]** According to this school of thought, the original concept of a Kingdomlite could not have recognized the implications of the restricted government capacity of the Caribbean nation-state in modern times. Now, fifty years later, some interpret the Charter's distribution of authority as a major obstacle in the Kingdom relations.

*Is the problem fragmentation and not having much in common?*

For others, a most important problem is the fragmentation of the Kingdom. **[xii]** They point to a lack of cultural, linguistic or institutional commonality among the countries in the Kingdom. What in fact do they have in common that still might

bind them together? What interests do they share? On a practical level, the Antillean interests can easily be defined in terms of entitlements to a Netherlands' passport and the unrestricted right of abode in the Netherlands. And more could be added. But what is the Netherlands' interest? Trying to answer this question has created awkward situations. At a Workshop on Sint Maarten, Denicio Brison raised the question *'Why are the Dutch still here, please explain?'* in his presentation: *'The Kingdom Charter: Fifty years in the wilderness'*. Brison had not found a satisfactory answer:

*I have never been able to figure out what exactly keeps Holland hanging on. The answer I have been able to distill from several Dutch authors is mostly a colonial hangover that they do not know how to cure.***[xiii]**

In another setting, in 2003, a former senior government official from the Netherlands Antilles urged the Netherlands to define its practical interest in retaining a presence in the Caribbean. In reply, a former minister for Kingdom Relations suggested that this question better not be raised in the first place, as it was doubtful that any convincing argument could be found. The communal icons of the Kingdom seem limited to the Dutch passport and Her Majesty the Queen and her family.

Since the Charter of 1954 was inaugurated, the Netherlands has not been very persuasive in promoting a sense of common purpose and identity that unites its disparate parts. Also in colonial days the Netherlands was not known for efforts to spread Dutch language or culture to its overseas colonies. The impact of Dutch culture during centuries of colonial rule in the Indonesian archipelago has been labeled as *'scratches on the rock'*.**[xiv]** The present disparity within the Kingdom could well be a long shadow of the past. According to Russell Shorto,

*(...) Dutch global expansion during its century of empire was built around not settlement colonies but outposts, which explains why, even though the empire extended as far as India, Taiwan, and Java, the Dutch language is not spread around the globe the way English is. The Dutch preferred to set up military trading posts as strategic spots (...) The trading companies did not see themselves in the business of establishing permanent colonies.***[xv]**

With regards to the Caribbean, the Kingdom's constitutional arrangement of 1954 was not envisioned to last forever. Some day, it was assumed, also the Caribbean

countries would ascend to independent statehood. Thus from the outset it was felt that a temporary arrangement had been installed, one that encouraged a *laissez faire* attitude. Cultural exchange and integration have been rather limited and communal expressions of unity are scarce. Even a sense of being *Nederlanders* is lacking in the Caribbean part of the Kingdom. For many Antilleans in the Caribbean, the Dutch language is a foreign language. In 2003, when announcing her first visit as Prime Minister of the Netherlands Antilles to the Netherlands, Myrna Louisa-Godett made it known that she would speak Papiamentu during this visit and be accompanied by interpreters to make her understood. This was not because she had not mastered the Dutch language, but to make a political statement about the language spoken on Curaçao. She would make an exception for her visit to the HM the Queen.

The Kingdom's institutions and procedures tend to divide rather than unite. The distribution of public authority in the Kingdom essentially demarcates autonomous governments rather than integrated statehood. Common public policy for all three countries of the Kingdom is limited. In reality, the Kingdom does not operate as a union. Fifty years ago the Kingdom was essentially designed as a rather loose federation of autonomous nation-states; nowadays the question is whether such a not so united Kingdom can *work* in modern times. Indeed, the Kingdom is so fragmented that it can hardly be considered as a complementary government organization that effectively provides for the Caribbean countries, however limited its purview.

#### *Disagreement on changing the Kingdom's mission*

A third line of thought points to a fundamental lack of agreement on the house rules among the partners to explain the discord within the Kingdom relations. In the early 1990s a broad political consensus emerged that the Caribbean countries were better off to remain part of the Kingdom of the Netherlands. On the part of the Netherlands, considerations of safeguarding good governance in the Caribbean countries were paramount in changing the tides. However, when the reality of a Kingdom with partners in the Caribbean region became a permanent phenomenon, the Charter's original definition of limited authority and regulation was not reviewed. Running their own affairs had always been of principal interest in Antillean politics; autonomy was there to stay, also in a permanent relationship. At a conference titled *Future of the Kingdom*, the Netherlands attempted to reach agreement on changing rules and regulation in view of the Kingdom's

safeguarding role in the Caribbean region. Without success. Indeed, conference documents were literally torn up in the face of the Netherlands prime minister who led the Dutch delegation at that time. [xvi]

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

At the onset of a permanent status of the Caribbean countries in the Kingdom, the acclaimed system of development aid drove a wedge between the partners. In former years, an Antillean development policy, if any, had directed the Netherlands aid. For the Antilles, the Netherlands development aid budget was considered as *our money*. In 1987, the Netherlands and the Netherlands Antilles had formally agreed in a 'Protocol Development Cooperation' how to define and apportion the *development cooperation* budget. [xvii] A few years later, the whole concept of *development cooperation* came under scrutiny because of the level of the income per capita in the Caribbean countries. It was obvious that they did not categorize as underdeveloped countries nor did they qualify for development aid according to international rules. The vocabulary changed. Development cooperation became now hailed as *voluntary cooperation*. But more than only the vocabulary changed.

Now the nature and direction of the aid itself were measured in the Netherlands' politics. The obligation of the Kingdom to safeguard principles of *good governance* and democratic law in the overseas countries became a significant

rule of conduct with regard to the appropriation of the aid budget. Until 1989 *development cooperation* has been the backbone of the Kingdom relations. Since then *statutory cooperation* gradually gained in importance. The Netherlands' stance on priorities changed and under Dutch pressure *statutory cooperation* cut a substantial part of the budget. Although *statutory cooperation* qualified as voluntary engagement in agreement with the counterpart, it carried a stronger commitment on the part of the Netherlands. These changes were carried out under the regimen of the '*Protocol Development Cooperation*' of 1987. The Netherlands felt that an attempt to arrive at a new agreement with the Netherlands Antilles would not succeed. So it was not tried.

The Antilles objected that the Netherlands was abusing *our money* to pursue its own agenda. While before Antillean development needs were directing Dutch financial assistance, now the Netherlands interfered with good governance claims. A conflict as to who should set the priorities arose. Moreover, the feasibility of good governance priorities was disputed. Off the record could be heard that the Caribbean islands considered themselves too small, not ready, or culturally different to live up to international good governance standards such as: humanitarian prison conditions, administrative transparency, public hearings and ombudsman procedures, and gay marriage. **[xviii]** Good governance and development were not recognized as complementary categories. From an Antillean point of view, the Netherlands financial assistance to answer basic needs in the Caribbean countries now had to be shared with a rather trendy interest in good governance.

The makeover of a Kingdom-lite as a temporary development aid shelter in anticipation of future independence to a permanent structure of extended statehood of the Caribbean islands could not be agreed upon among the partners. Without agreement on changing the house rules of the Kingdom, the Netherlands' interventions to safeguard good governance in the Caribbean countries met strong opposition in both Antillean politics and media as well. The formal relationships soured but a majority of the Antillean populace sided with the Netherlands' interventions. **[xix]** The offended sensibility of Antillean politicians at being overruled by the Netherlands was not shared by their constituents. This, of course, put the Antillean public authorities in an even more awkward position in dealing with *the Dutch*.

*A split-level Kingdom*

Finally, the question has been raised how in modern times a split-level Kingdom with widely different government service levels can be morally justified and can, in more practical terms, keep the borders open between the Caribbean countries and the Netherlands. The rule of the Kingdom is limited and differentiates according to various government functions. However, the different functions are interrelated and therefore cut through any formal distinction made between Caribbean and Kingdom controls. In actual reality good governance is not limited just to the rule of law, democracy and human rights. Sub-standard education, high levels of youth unemployment, poverty, family dysfunction, housing conditions and neighbourhood slums, call for good governance as well.

The social disintegration of more and more neighbourhoods on the island of Curaçao is out of control, not only for the local government that is responsible for these worrisome affairs, but also for the Kingdom. There are no shortcuts to turn the situation around. **[xx]** According to its formal Charter, the Kingdom does not have authority to intervene in these areas. At the same time, the Kingdom cannot safeguard the rule of law when it does not adequately control a minimum level of social and economic development in the Caribbean countries.

Pourier, once prime-minister of the Netherlands Antilles, contrasted the enforcement of the rule of law in the creation of a Coast Guard (“Very appropriate”) with the urgent need for funds to fight poverty: ‘When more and more people sink below the poverty line, the trade and smuggling of drugs (to the Netherlands) becomes an attractive and devastating alternative’; devastating not only for the people concerned but also for the rule of law. **[xxi]** Hirsch Ballin, a former minister for Kingdom Relations, raised the question of whether or not the growing interdependencies in the modern world still allow for a distinction between internal Caribbean and Kingdom affairs. **[xxii]** The boundaries between the formally defined responsibilities of the Kingdom and the affairs under local Caribbean government control have become rather porous. However, a redefinition of authority and a distribution of responsibilities of the Kingdom has run counter to, first of all the Antillean insistence on being *autonomous* and secondly, political reservations in the Netherlands to putting up the money needed to narrow the gaps in the levels of service among the countries of the Kingdom.

The Kingdom’s problems can be summarized in terms of failing safeguards and the ineffectiveness of voluntary cooperation. The Kingdom’s safeguards and the



Netherlands' financial assistance have not been able to maintain an adequate level of good governance in the Caribbean countries. For some, the Kingdom's structure might have been defective from the very beginning, but now earnest deficiencies in its operations have become rather obvious. In reality, the Kingdom does not operate as a union, it is fragmented and does not have a common creed, language or culture. Time and again, a fundamental disagreement about the need to reset the Kingdom has marked the order of the day. In its operations the Kingdom is now bound to fail, not only with regard to the well-being of the *Nederlanders* in the Caribbean part of the Kingdom, but also in protecting the Netherlands' interests in Europe, especially in Netherlands' municipalities that have become known as *Antillengemeenten*. The Kingdom is in need of repair. Can it be done?

### *New options for the Netherlands Antilles and the Kingdom (and Aruba)*

Over the last decades, the Netherlands has made only a few attempts to reset the formal house rules of the Kingdom; to no avail. But the urgency of repairing the Kingdom's operational problems has not diminished. On the other hand, several attempts have been made to repair the nation-state of the Netherlands Antilles, to 'make it work' [xxiii] again, after Aruba seceded and obtained a *status aparte* in 1986. Many reports on repairing the government structure of the Netherlands Antilles have seen the light, so many that any new endeavors are met with skepticism at best. The prevailing attitude is that *we have seen it all*. [xxiv]

However, recently two new options have been tabled, one with regards to the government structure of the Netherlands Antilles and the other regarding the relationship of the Caribbean islands with the European Union. The first option will bring the Netherlands Antillean nation-state to an end. The key to the solution of the problems of the Antillean nation-state is found in a tailor-made separate status for each island and a direct relationship with the Kingdom. The second option defines the Caribbean islands as Outermost Regions of the European Union. Once more, there are serious attempts being made to push the Kingdom over the threshold of a new era.

### *Separate status and tailor-made relations*

An advisory committee on Governmental and Financial Relations of the Netherlands Antilles has come up with the proposal to abandon the Netherlands Antilles in exchange for each island having a separate status, tailor-made, and direct relations with the offices of the Kingdom. The committee's report is titled

*'The time is now, let's do it!'* It is known as the *Jesurun report*, after the chairman of the committee. [xxv] This committee was set up in a joint effort of the Netherlands and the Netherlands Antilles to advise on the wobbly government structure of the Antillean nation-state and its uncontrollable public finances. For the first time the financial and governmental problems of the Netherlands Antilles were recognized as a matter to be tackled by all parties, including the Netherlands, in a combined effort. Earlier on, the Netherlands had consistently kept the structural problems of the Antillean nation-state at arm's length. The problem was put in the rubric of Antillean autonomy and had thus to be solved by Antillean politics first. All along the Netherlands's position had been that the Kingdom should be engaged only after the Netherlands Antilles had made up their mind.

Now that the Netherlands had become part of the advisory structure, the *Jesurun* committee made the bold move to consider some re-structuring of the Kingdom as part of the solution of the problems of the Antillean nation-state. Aruba was initially left out, as it was no longer part and parcel of the complexities of the Netherlands Antilles. Once *Jesurun* had indicated that the Kingdom's structure was under consideration as well, Aruba did not wait long to make its displeasure known and became immediately defensive of its *status aparte*. Abandoning the Antillean nation-state and re-directing the Kingdom relations forms the core of the *Jesurun report*. The insular nature of Caribbean politics and society has rendered an Antillean nation-state unworkable. Each and every island should have its own statehood, in one or other way, to be complemented with extended statehood relations within the Kingdom of the Netherlands, also in one or other way. A separate status for each and every island; for Curaçao and Sint Maarten a much coveted status of each becoming a separate country (*Land*) and for Bonaire, Saba and Sint Eustatius, a status of Kingdom Island. Each island authority, be it a Land, a Kingdom Island, Crown Dependency or Royal Territory, you name it, will have direct relations with the offices of the Kingdom.

These extended statehood relations entail that some public affairs would be taken care of by the Kingdom, as of old: defense, foreign affairs etc. The administration of justice would be added to the Kingdom affairs. The Kingdom's safeguarding function would be expanded to include the public finances of the Caribbean authorities as well. Moreover, in order for the Kingdom to be able to hold the fort, the safeguarding function would be regulated and standardized. A monitoring

system would be devised and monitoring procedures followed.

There is much more in the '*Time is now*' report, and there is much more to say about it as well. Does it intend some form of *re-colonization* as some want the public to believe or is it an attempt to finally make the Kingdom work as a modern form of extended statehood of the Caribbean islands? Will this proposal end the seemingly never-ending trajectory of restructuring the Netherlands Antilles? Much work still has to be done to map out its implications. A definitive judgment at this stage is premature. On the basis of an agreement in principle, the redirection of the Kingdom relations will require a wide range of operational steps which should provide enough leeway for the parties to give and take as they go along. A disqualification of this option at this stage is impulsive, and suggests that other interests are at work.

#### *Outermost Region (of the European Union)*

At the same time, a changeover of the relationship of the Caribbean countries with the European Union is under consideration: from OCT/LGO (*Overseas Countries and Territories/Landen en Gebieden Overzee*) to Outermost Regions (*Ultra-Perifere Gebieden*). In 2003, the Netherlands government declared rather unexpectedly that it would work to have the status of the Antillean countries recognized as Outermost Regions of the European Union. **[xxvi]** Such a status would imply that European policy, rules and regulation would not only apply to the Netherlands but also to the Antillean public arena, though exemptions may be made in view of specific local conditions. A further integration in the European Union would affect the Antillean autonomy. Just like the Netherlands has ceded part of its public powers to the offices of the European Union, or Brussels, the Antillean public powers will then also be shared with *Brussels*.

*Brussels* is far away from the Caribbean region, though a little closer than *The Hague*. It is obvious that the initial mission and dynamics of European integration do not have any origin in the overseas territories of the European nations, whatever the status these territories have these days. After the 2nd World War, a - no more war - maxim originated on the European continent and advanced the ideals and European institutions that were the forerunners of the European Union. Economic development through open markets and a common currency have been added to advance European integration. Peripheral and Outermost Regions being integrated in the European Union, need another orthodoxy than the theorems that were essential in continental Europe.

Some question the advisability of the application of European rules and regulations to the world of the tiny Caribbean island states. Would this not be too much to ask for of the island governments? Are they able and do they want to live up to these higher standards and if so, who foots the bill? What would remain of the so very coveted Antillean autonomy? Would European regulation be a burden only to the Caribbean, or also an adequate protection of collective interests and individual rights?**[xxvii]** Other advantages are believed to be economic growth and a wide range of European subsidies. For the Netherlands the advantage may be that its custodian position in relation to the Caribbean authorities can be relinquished. Antillean postcolonial comportment will no longer have the offices in The Hague to blame, while Brussels does not fit into a post-colonial format.

A flurry of discussions pro and con, reports and articles has energized the debate on a possible change in political status of the Caribbean islands in relation to Europe, particularly the *Banden met Brussel* (Brussels Connections) report.**[xxviii]** In this report, the autonomy of the Caribbean countries is an overriding concern when considering various options.**[xxix]** On several occasions it asserts that such a status would limit the autonomy of the Antillean authorities. A case in point is made of the possible demands of European environmental regulation with regards to the oil refinery on Curaçao. European regulation would oblige the island government of Curaçao to update the environmental standards of operation of this refinery with large investments as a result. In this report the urgent need to upgrade the refinery's environmental practices is bypassed in consideration of Antillean autonomy.

However, the valuation of Antillean autonomy must be offset against what its worth has been in these specific areas of government. For instance, how good has Antillean autonomy been in view of the pollution history of Curaçao's refinery at the cost of the health of the population living in neighborhoods in the polluted air, some of them all their lives.**[xxx]** In other parts of the world, such pollution problems have been framed in the larger context of how dominant multi-national companies conduct themselves in poor nation-states.**[xxxi]** In this case an environmental scandal was allowed to continue for decades, not in a poor nation-state but in a country that was part of the Kingdom of the Netherlands. How good have the Kingdom's safeguards been? The added value of European rule and regulation must be taken into account when considering Antillean autonomy.

*Repairing a not so united Kingdom. What to consider?*

Both options, a separate statehood status for each Caribbean island in the Kingdom of the Netherlands as well as a status of Outermost Region of the European Union are as yet only in general outlines on the drawing board. Many issues still need to be detailed. This should be considered as an advantage, to be a stepping-stone in the trajectory to make one, or both options, modified or not, eventually work. Now is the time indeed to define the many considerations that should be taken into account when repairing the Kingdom.

### *Erosion of the Kingdom's creed in the Netherlands*

For the Netherlands, the colonial mission is long gone. Since the 1980s the Kingdom's mission in modern times is *under construction*, as it were. The Kingdom's role in the Caribbean was never meant to be dominant. For lack of consensus and leadership, the Kingdom's course in the last decades of the 20th Century has been rather unsteady. The switch from a mission to decolonise, to a calling for the Kingdom as a modern form of extended statehood still has to be made, if it can be made at all.

The Dutch post-colonial readiness to support relatively high-income countries such as Aruba and the Netherlands Antilles, let alone to set things right on these far away islands, is eroding fast. The generation in the Netherlands that still remembers the historical watershed between colonial empires and Third World independence is retiring. Maybe even more important is that Dutch nationals are losing a sense of responsibility for the colonial past, as the Netherlands has once more become a country of immigrants. **[xxxii]** What once was Dutch is no more. But what is Dutch? Also in the past, the attempt to define *Dutch* has raised intricate questions. **[xxxiii]** In 1998 almost half of the youngsters in Amsterdam and Rotterdam (5 - 14 years) were of foreign and non-Western origin. **[xxxiv]** A conservative prognosis indicates that in 2015 ethnic minorities will make up 40 per cent to 45 per cent of the population in the major cities. Others foresee that the sum of these minorities will by then have become a majority in these cities. **[xxxv]**

Repairing the Kingdom requires a new vision on the Kingdom in its relation with the Caribbean countries. How does the Netherlands' position fit into this vision? The island population must have a final say in new arrangements. What would be the outcome of a referendum in the Netherlands? **[xxxvi]** What is in the Netherlands' best interest? Somebody high in office once suggested that this question not be raised as no ready answer can be given. On the part of the

Netherlands, not much effort has been made since 1954 to connect with the Antillean isles. Successive ministers for Kingdom Relations have given plenty evidence of good intentions and warm feelings. They have produced a trail of paperwork and plans. The defining moment came in 1989 when all parties recognized that the presence of the Kingdom of the Netherlands in the Caribbean would become permanent. The permanent ties had strings attached that called for good governance in the Caribbean countries. Notwithstanding all the efforts, the (re-) construction of a common purpose and identity that justifies the Kingdom maintaining a presence in the Caribbean has not been substantiated in terms that are safe and sound for all partners. Hard statistics on immigration, crime and the trade of drugs have worn out curiosity and the rosy image of Antillean islands in the sun. At present, while the permanence of the Kingdom relations seems to be a given, a struggle has ensued as to how to define and maintain the Kingdom's connection to its Caribbean parts. How to define a Kingdom of the Netherlands that is united with Caribbean countries has become a tricky question, maybe even more in the Netherlands than in the Caribbean countries. Disengaged from its colonial history, the relationship between the partners in the Kingdom must now be defined in practical and commonly comprehensible terms (*een zakelijke relatie*).

#### *Standards of government service in the Caribbean*

Only recently an attempt was made to standardize the level of government services in the Netherlands Antilles, especially in view of the level of services on the smaller islands (Saba, Sint Eustatitus and Bonaire). An advisory committee (*Havermans*) dealt with the thorny question of how to stabilize the public finances of the so called *needy* islands and to suggest a framework for answering the question of how much the government finances of these islands had to be supplemented in order to guarantee a level of government service similar to the level on Curaçao. **[xxxvii]** All in all, and following the law, the government expenditure on Curaçao became the norm for the correct level of public expenditure on the other islands, without considering the quality of the Curaçao government services itself. Backed by a legal proviso, the concept of the Netherlands Antilles as a viable autonomous country of five islands was jacked up to define a standardized provision of government services and to stabilize the *needy* islands' government finances.

Relinquishing the concept of the Netherlands Antilles as a country of five islands

will make the notion of Antillean standards of service elusive. *Jesurun* advises:

*The level of public services is primarily the responsibility of each island, but the small islands require supplemental financial support to maintain basic provisions/services.* [xxxviii]

Rather than an Antillean standard of government, the question of what the Kingdom stands for will spring to the fore. As it stands at present, the constitution of the Kingdom does not guarantee a standardized provision of government services in the Kingdom as a whole. The new the ruling is: each Land for itself and the Kingdom for the Crown Territories. Which standards will the Kingdom apply for the Crown Territories? Will life in a Crown Territory be better than in an autonomous Caribbean Land? This question does not stand on its own. As a matter of principle, the fragmentation of the nation-state of the Netherlands Antilles may elevate the wide differences in government provisions within the Kingdom to a political level. Every so often, members of the Netherlands' Parliament when visiting neighborhood slums in the Caribbean countries have proclaimed that this should not be allowed in the Kingdom (*dit kan eigenlijk niet in het Koninkrijk!*). So far the Netherlands' Parliament has not seriously debated these concerns, let alone put into place the regulation and finances needed to address them.

*Expansion Kingdom's good governance agenda?*

The option of a separate status for each island comes with the condition of increased regulation of the Kingdom. But basically the Kingdom's provision does not change. The Kingdom's regulation must be stretched now to include law enforcement and the administration of justice as well, but it remains a Kingdom Ltd. In significant areas such as education, public health, combating poverty, social welfare, environment and pollution, local standards will continue to define the level of provision. The Kingdom does not safeguard basic levels of these provisions. As has been in the past, cooperation with and financial assistance of the Netherlands is available, though for a limited time. There have been successes in this cooperation, for instance Sint Maarten's reconstruction in the 1990s; urban renewal and monument restoration in Curaçao; and many more. But this cooperation has not been able to prevent the derailment of whole neighborhoods in Curaçao, the notoriety *Antillengemeenten* gained in the Netherlands, and the debate every so often concerning the open borders within the Kingdom.

As a matter of principle, the autonomous countries in the Kingdom have to look after themselves. Eventually the Netherlands' financial development assistance will be terminated. In the long run, the Netherlands' finances remain available only for Kingdom affairs and for areas where the Kingdom has been ascribed a safeguarding function. **[xxxix]** The question is whether or not a Kingdom Ltd., though better regulated, can tackle the current problems. These problems are rooted in areas that fall under the auspices of the Antillean islands government, such as education, vocational training, economic development and labor relations, poverty and family conditions. Towering environmental problems and their consequences for public health and tourism must be added to the list. According to Jesurun, the proposed redirection of the Kingdom relationships will contribute to solving the social-economic problems, improving the cooperation between the partners and reducing the export of problems to the Netherlands. **[xl]** Is this wish-full thinking or a convincing argument? Others, including Committee 2004, a loose NGO whose concern is improving the Kingdom, are not convinced. Committee 2004 proposes expanding the list of *Koninkrijksaangelegenheden* with education, public health, and combating poverty. **[xli]**

For the Netherlands public, the overspill of Antillean problems to the Netherlands overstretches the concept of a practical and commonly comprehensible relationship (*een zakelijke relatie*). Will a better regulated but still a Kingdom Ltd., be able to cope with Caribbean problems migrating to the Netherlands, as has been the case in the past? Or must for that reason the Kingdom's good governance agenda be expanded?

### *Regulation of Kingdom's role*

The lack of regulation at the level of the Kingdom with regards to safeguarding good governance must be considered as a major deficiency in its operations. The Kingdom's safeguarding role, defined as supervision, has always been very restricted. According to a statement by the Minister for Kingdom Relations in Dutch Parliament in 2004, supervision is a measure of last resort, because it infringes on and implies a transgression of the regular democratic process of autonomous countries. Supervision is authorized in special circumstances, and only then when it concerns a matter of structural shortcoming on the part of the national or island government. Other considerations such as the seriousness of the matter; recourse by the Antillean government; actions of a lesser nature; and finally, the effectiveness of supervision must all be taken into account. **[xlii]** Thus,



this minister, in unison with many of his predecessors, made it very clear that the Kingdom's supervision was only to be called upon in very unique circumstances. And even in these exceptional circumstances, tensions are inevitable as nowhere is the baseline established from which the responsibility of the Kingdom should be activated. **[xliii]**

In the old days of the special relationship, the default mode of solving problems in the Kingdom was to sit down and talk it out. No more, this default has been reset but not replaced by adequate regulation. All in all, the intervention of the Kingdom's safeguarding function is not regulated but rather incidentally activated when good governance is in jeopardy or has already been derailed. It is used as an ace in the hold; in plain Dutch '*als een stok achter de deur*'. No wonder that the Kingdom's safeguarding role has been compromised and, when acted upon, runs into a finicky debate about colonial intervention and Antillean autonomy. The Kingdom's safeguarding function requires that it be established as a regular system of administration that includes adequate procedures, rules for monitoring and specification of norms and criteria that apply to Caribbean government operations. This regulation must also include a support structure that can be called upon when such is required to meet the standards that have been set. Instead of an ace in the hold, the Kingdom's safeguarding function should have the effect of providing support to areas where good governance is about to fail.

#### *Local autonomy and Kingdom's safeguards, their worth in real terms*

In many ways, the Netherlands insistence on Caribbean self-reliance (*zelfredzaamheid*) has done more harm than good. Furthermore, the Charter's *equal partner doctrine* has mortgaged the operations of the Kingdom with false promises, impossible to fulfill. **[xliv]** In some circles Antillean autonomy has become sanctified as a stand-in for political independence. Aruba and the Netherlands Antilles, for good reasons, did not chose to become independent countries, a commendable choice. But some define themselves as *autonomistas* and are as such oversensitive to any Dutch intervention. 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 staggering numbers of attacks on people and homicides are part of Antillean life, the unbending deportment of the *autonomistas* has lost respectability.

On Curaçao the number of attacks on people, either at home, shops, businesses or

on the streets, has risen to alarming proportions, especially when taking into account the size of the island population, ca. 130.000 people.**[xlv]** In December 2004, three restaurants of Kentucky Fried Chicken on Curaçao were robbed, which made for a total of 8 attacks in 2004 on KFC and Pizza Hut restaurants combined. The rumor went that KFC headquarters in the USA decided to close all its restaurants on Curaçao. And KFC's leaseholder on Curaçao was so fed up that he threatened to mount an international publicity campaign on crime on Curaçao. Only after the Prime-Minister, the Minister of Justice and the Head of the Antillean Police had explained that all that was possible was being or going to be done to turn this situation around, did KFC agreed to reopen its restaurants.**[xlvi]**

The figure for homicides has risen dramatically. On 10th December 2004 three persons were killed, by the end of December a total of 47 homicides in 2004 was counted. This score adds up to 36.2 per 100.000 inhabitants. In previous years these numbers had increased from an average of 16 per year during the period 1997- 2001, to a total of 41 (2002), and 53 (2003).**[xlvii]** For a large part, these crimes are qualified as *settling scores* in drug circuits. In many cases, Columbians are involved, either as victim or attacker, according to the Prosecutor's Office of the Netherlands Antilles.**[xlviii]** In comparison with independent countries in Central America, Curaçao's figures are alarming. For instance, in Costa Rica a number of 260 *asesinatos* was projected for 2004 (based on 238 per 19th December 2004). This score equals 6.1 per 100.000 inhabitants.**[xlix]** The figure for Curaçao is almost 6 x higher than Costa Rica's score of homicides. And compared with the number of homicides in the Netherlands in 2003, Curaçao's score is 30 x higher (x 100.000).**[l]** 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.**[li]** No wonder more and more people are hiding behind bars and walls when they can afford to do so. These figures do raise serious questions about local autonomy and the Kingdom's safeguards, their worth in real terms, at home and on the streets.

Much larger nation-states, in Europe and elsewhere, have opted for extensive power sharing at the expense of their national public authority. For instance, even *Paris* has to comply with the financial deficit-procedure of the European Union.**[lii]** Is this too much to ask of *Willemstad*? 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. 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. *Autonomistas* on the Antillean side and the *Kingdom Ltd. advocates* on the part of the Netherlands must come to terms.

Neither will work for a Kingdom with a mission to safeguard good governance for all *rijksgenoten*, irrespective of their distinct culture and geographical location. Kingdom's role has been limited and Antillean autonomy was for long *de rigueur*. Neither the Kingdom nor the Antillean or Curaçao government has in past or present been able to set things right. Will abandoning the Antillean nation-state, redefining Kingdom's regulation, and European Union rules and regulations do better? How? And what are the costs? And what are the gains? These are some of the questions that should be raised when considering a major repair operation on the structure and operation of the Kingdom. Schaefer, an Alderman for Public Housing in Amsterdam, once summarized the customary talk-ins and hearing procedures in the Netherlands in 1960s and 70s: '*in gelul kun je niet wonen*' (you cannot make your home in gibberish). In an Antillean context he may have stated: '*van autonomie kun je niet leven*' (you need more than autonomy to eat).

### *Repairing a not so united Kingdom. Can it be done?*

To sum up, any repair option to consolidate the Kingdom's presence in the Caribbean, with open borders for its citizens, will require more unity in policy, an expansion of the Kingdom's good governance agenda, more regulation and power sharing, and goodwill and practical minds on both sides. Can this be done? This question is even more complicated. The repair operation aims at bringing Caribbean governance in line with concepts of good governance that have become entrenched in the Netherlands, Europe and elsewhere, not for the sake of a persistent colonial hangover that these territories must be controlled, but because good governance serves the social-economic development of the island nations and the commonwealth of its citizens. It is also believed that the Kingdom of the Netherlands can help to strengthen the good governance agenda of the Caribbean nations. The Kingdom's mission is to uphold a good governance mirror to the Caribbean countries. Before all, an idealistic position must energize the repair operations of the Kingdom.

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

The alternative to not repairing the Kingdom is to continue muddling through day by day, as the Kingdom has been doing these last 15 years. This option will most likely demand a price in terms of a further degradation of Netherlands' citizenship for Antillean rijksgenoten. Maybe not in terms of the law but very likely so in real life, a second-class citizenship may become increasingly manifest with regards to safety, health, education and social security. And it may become especially tangible when crossing the borders within the Kingdom.

## **NOTES**

- i.** This paper has been re-edited after Sint Maarten's Conference and University Workshop: The 50th Anniversary of the Kingdom of the Netherlands: 50 years Kingdom's Charter: Building a nation". October 2004.
- ii.** Het Statuut, the official title of the constitution of the Kingdom, translates to Charter. Both concepts are used indiscriminately in this paper.
- iii.** A Committee 2004 comprising people of all walks of life who are, or have been, involved in one way or another in Kingdom relations was set up. The committee's aim is to present the governments of the Netherlands, the Netherlands Antilles and Aruba a document containing a vision of the future of the Kingdom on the occasion of the anniversary of Het Statuut. Thereto it

launched in October 2003 a website and discussion paper, *Investeren in gezamenlijkheid* (Investing in communality). This site has regularly been updated, most recently in October 2004.

iv. The minister of Constitutional Affairs of the Netherlands Antilles, Richard Gibson, stated during the Panel Conference on Sint Maarten that: 'Het Statuut has served us well', and made reference to the immediate and generous reconstruction aid provided by the Netherlands government after hurricanes had struck Sint Maarten (in 1995 and following years).

v. *de Volkskrant*, Kabinet Antillen wankelt door ziekenhuisklucht, 2 April 2004.

vi. A sample of articles in the Dutch press over the last years illustrates frustration and irritation with the Caribbean partners in the Kingdom: Minister de Graaf wil ingrijpen op Antillen (*NRC Handelsblad*, 10 September 2004); Nederland somber en kritisch over Antilliaanse politiek (*NRC Handelsblad*, 2 March 2004); De Graaf wil lossere band met de Antillen (*NRC Handelsblad*, 4 March 2004); Antilliaanse blokkades, *NRC Handelsblad*, 27 May 2002; Relatie met Nederland teleurstellend (*Algemeen Dagblad*, 31 December 2002); Van Aartsen: Staatsverband Antillen bestaat niet meer (*Amigoe*, 2 September 2003); Antillen moeten nu eens orde op zaken stellen (*NRC Handelsblad*, 3 May 2003); Antillen boos op minister de Graaf (*NRC Handelsblad*, 11 September 2003); Geduld met de Antillen raakt op (*NRC Handelsblad*, 11 September 2003).

vii. With these words the Governor of the Netherlands Antilles specified the crisis the Netherlands Antilles is experiencing in the assignment of a political representative (informateur) to gauge the options of a new Antillean cabinet to be formed. *Amigoe*, Gouverneur benoemt Atacho tot informateur. Curaçao, 21 April 2004.

viii. Alfons van Marrewijk 1999: p. 190.

ix. Harry Hoetink 1990: p. 330.

x. Frits Bolkestein, *Zachte heelmesters*, *NRC Handelsblad*.

xi. Lammert de Jong 2002: p. 224.7 February 2004.

xii. Among others, the Committee 2004 calls attention to the lack of *gemeenschappelijkheid* (communality) in the Kingdom of the Netherlands. *Investeren in gezamenlijkheid*, edition 04.10.04 Website.

xiii. Denicio Brison: *The Kingdom Charter (Het Statuut): Fifty years in the wilderness*. Paper presented at the University Workshop Sint Maarten, 23rd October 2004.

xiv. Some of these scratches still hurt. In 2004, the *New York Times* reported that an Indonesian editor of a leading news magazine, *Tempo*, was sentenced to one

year in prison in a libel case that critics said was a setback for press freedom in Indonesia. He was charged ' under sections of Indonesia's criminal code that date back to the Country's Dutch colonial era'. p. A6. The New York Times, 17 September 2004.

**xv.** Russell Shorto 2004: p. 113.

**xvi.** Toekomst conferentie 1993.

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

**xviii.** The Charter stipulates that the values of democracy, human rights, good governance and the rule of law must be shared by the countries of the Kingdom. However, gay and lesbian couples that have been married in the Netherlands experience difficulties to register as married couples in the Netherlands Antilles and Aruba. The insistence of the Netherlands to comply with these rights has on Aruba brought into play renewed calls for independence.

**xix.** Gert Oostindie and Peter Verton 1998: p. 49.

**xx.** Hans van Hulst 2003.

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

**xxii.** E.M.H. Hirsch Ballin 1998: pp. 17-20.

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

**xxiv.** Indebted to Edward Heerenveen, once director of the Information and Protocol Department of the Netherlands Antilles, during a moment in our shared experiences with the operations of the Kingdom.

**xxv.** Advies Werkgroep Bestuurlijke en Financiële Verhoudingen Nederlandse Antillen, Nu kan het - nu moet het! In English: The Time is now, let's do it! (Jesurun report) 8th October 2004.

**xxvi.** Letter of the Minister for Kingdom Affairs to Parliament, 26 March 2003, referring to the Government Agreement in Principle (cabinet Balkenende II).

**xxvii.** Raad van State, Verdieping of geleidelijk uiteengaan? De relaties binnen het Koninkrijk en met de Europese Unie, p. 46. The Hague, February 2004.

**xxviii.** Rapport van de Commissie ter bestudering van mogelijke toekomstige relaties van de Nederlandse Antillen en Aruba met de Europese Unie, Banden met Brussel. De betrekkingen van de Nederlandse Antillen en Aruba met de Europese Unie. (Rapport van Beuge). 1st July 2004. See also, SEOR, Nederlandse Antillen:

LGO of UPG. A study assigned by the Central Bank of the Netherlands Antilles. Rotterdam, March 2004.

**xxix.** Rapport van Beuge 2004: p. 15.

**xxx.** Norbert George 2003.

**xxxii.** Jane Perlez and Evelyn Rusli, Spurred by illness, Indonesians lash out at U.S. mining giant. The New York Times, p. A1 and A 11. September 8, 2004. In the case of the Newmont Mining Corporation, the world biggest gold producer, based in Denver USA, the health hazards were contested. Robert Humberson, the general manager for external relations in Indonesia exclaimed: 'We find the water is in excellent condition, I dive there myself. It's fabulous'. A few days later, The New York Times reported that six officials of the Newmont Mining Corporation were detained and held for questioning about the accusations of pollution. Jane Perlez, Indonesia detains six from US Mining Business over Pollution. The New York times, 24 September 2004. An environmental scientist in Canada who worked with the Indonesian environmental group Friends of the Earth, believed that arsenic in the mine waste was the cause of the illnesses.

**xxxiii.** Jonathan I. Israel (1998) indicates on several occasions the immigrant character of Dutch society in the Golden Age. Israel quotes Pieter de la Court (1661): 'It is certain (...) that our manufacturers, fisheries, commerce and navigation, with those who live from them, cannot be preserved here without a continual immigration of foreign inhabitants-much less increased or improved'. (p. 624). Elsewhere Israel states: 'Despite the rising level of immigration from the inland provinces, most immigrants in Amsterdam continued to be foreign born. In the 1650s, 6.677 foreign-born men married in Amsterdam as against 4.252 newcomers born in the Republic outside Amsterdam' (p. 626). In the Golden Age student enrolments at the universities was for a substantial part foreign born, especially at Leiden. During the quarter 1626-1650 more students at Leiden's university were foreign born than Dutch. (p. 901).

**xxxiiii.** Also Russell Shorto (2004) maintains that in the seventeenth century "(...) it's something of a misnomer to think of 'Dutch' in this era as an ethnic signifier. The Dutch provinces in the seventeenth century were a melting pot of Europe. As English, French, German, Swedish, and Jewish immigrants came and settled, they adopted the language, 'Batavianized' their names (...) and, in time, adopted a basic framework for looking at the world one of the main features of which was the need to accommodate others ". (p. 125).

**xxxv.** Tesser, P.T.M. et al 1999: p. 45.

**xxxvi.** Tesser et al (translated) (1999): 'Ethnic minorities are defined as residents

in the Netherlands who are born in foreign nonwestern countries or born in the Netherlands out of foreign non-western born parents. For 1998 the numbers of non-western residents in the Netherlands (x 1.000) are: Turkey 280, Morocco 234, Suriname 257, Netherlands Antilles 71, Asia, Africa, and Latin America 316. The total number of non-western residents is 1.159; this is 7, 4% of the total population. This number doesn't include immigrants of Indonesian origin; they are separately categorised and number 215.000 (1998). Immigrants of Suriname and the Netherlands Antilles are a minority in the total non-western immigrant population'. (p. 150).

**xxxvi.** An indication of Dutch opinion may be the results of a poll in 2004 by the Wereldomroep. A majority of the sample was in favor of Antillean independence.

**xxxvii.** Commissie van Advies over het Solidariteitsfonds, Eindrapport (Havermans report). Den Haag/Willemstad, September 2003.

**xxxviii.** Jesurun report, p. 27/28.

**xxxix.** Jesurun report, p. 72.

**xl.** Jesurun report, p. 40.

**xli.** Comite 2004, Investeren in gezamenlijkheid, edition 041004. Website.

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

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

**xliv.** Douwe Boersema, 50 Jaar Statuut en verder. Presentation on 15 December 2004.

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

**xlvi.** Amigoe, KFC 2 januari weer open. 31 December 2004.

**xlvii.** 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 the Department of Justice, Netherlands Antilles, e-mail to author, 27 January 2005: 45 homicides in 2002, 53 in 2003 and 47 in 2004.

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

**xlix.** 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 x 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.

**i.** 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/.

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

**iii.** 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 in 2004 application of the deficit-procedure.

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# **The Kingdom Of The Netherlands In The Caribbean. The Kingdom Charter (Het Statuut): Fifty Years In The Wilderness**



In this paper[**i**], the author will approach Kingdom relations from a socio-historical perspective. The point of departure is, as one writer puts it: 'The Caribbean was the least exotic, the most Europeanized and the least deserving of independence'.[**ii**] An analysis of the socio-historical factors underpinning the Kingdom then leads to the conclusion that the only two islands to achieve Separate Status in the Caribbean, Anguilla and Aruba, only achieved it by violence, or the implied threat thereof. This leads to the final conclusion that the present approach of conferences and papers will,

taking the past into consideration, probably not lead to the desired constitutional changes. The aimless wandering in the desert will persist.

During a conversation some time ago à propos of Separate Status, former island council member, and prominent St. Maarten businessman Vincent Doncker flatly stated: 'unless we are prepared to fight and shed blood for separate status it will not happen'. This seminar from that perspective is itself questionable. Constitutional change is fought for with blood and bullets, not polite lectures and garden parties. One of the most insightful comments along that line came from dr. Nilda Arduin. 'All the reports' she stated, 'will not accomplish anything unless there is a change of mentality and people really start to want and desire constitutional change'. Along those same lines, Drs. Leopold James of the St. Maarten Nation Building Foundation has persuasively argued that before separate status, or for that matter, any status can be achieved, there must be a process of Nation Building. By this, James means to say, a desire of the people to identify themselves as a separate people or nation, distinct and apart from others. Unless this desire is stimulated and nurtured, the population will remain apathetic and lukewarm towards any constitutional change, no matter how much the political leadership exhorts them to embrace it and talks up one or the other status, whether it be Kingdom Island, Separate Status, Country within a Country, FISSA, or tragically, independence. There is no popular outcry for constitutional change. During the last elections in St. Maarten, Separate Status was never mentioned by any party. Rather, it was sprung upon us, while we quietly were going about our business. Apart from the leader of government, who has a vested interest in Separate Status, and is a very courageous lady, I have never heard any

other member of the Executive Council spontaneously express the faintest interest in Separate Status.

It is frequently, if not reliably, said that the Caribbean is the most reported-on area of the world, Irene Hawkings wrote in *The Changing Face of the Caribbean*. That was in 1970. Within the Caribbean I am certain the Netherlands Antilles occupies a special place as a world record holder in the production of reports. It is within this context that the recently issued report, proclaims with false courage: 'The time is now, Let's do it'. Perhaps, its authors suspect only too well what will be its fate. A spot on some library shelf along the 800 or so other reports on constitutional change, gathering dust. The Antilles have cried wolf too often to be credible. On December 13th, 1975, for example, premier Evertsz solemnly declared to the Antillean parliament, that the first phase of the realization of Antillean Independence was about to begin, with the regulation of the internal structure amongst the islands. **[iii]** This is exactly what the 'Let's do it' report is still trying to report on in 2004, some 30 years later. This is rather odd for as recently as 1993 Payne and Sutton (*Modern Caribbean Politics*) held that modern politics in the Caribbean has been concerned with the achievement of political independence. A new political party, *Movimiento Antias Nobo* of Don Martina was founded to guide the process announced by Evertsz. The MAN is now a shambles. After the 1993 referendum, another political party that was supposed to carry out the wishes of the people, the PAR of Miguel Pourier was founded to carry out the restructuring. **[iv]** It came to nought. In an emotional farewell lecture, entitled 'The Constitutional Restructuring of the Netherlands Antilles: Not words, but deeds' **[v]** presented on Friday, June 5th 1995, professor A.B. van Rijn, of the University of the Netherlands Antilles, stated: 'Disappointment will be disastrous for people's faith in politics. Not only that, but social peace and the investment climate are at stake'. **[vi]** Society yawned apathetically at his speech. Life continued pretty much as before. None of his predictions came true. Hirsch Ballin created a stir in 1990 with his 'Sketch of a Commonwealth Constitution for the Kingdom of The Netherlands', **[vii]** which in turn caused more ink to be shed in various publications and articles, most notably by Fernandes Mendes and Bongenaar (*Uni ku UNA*). The 'Let's do it' report therefore has a long pedigree, going back to the van Poelje reports of 1948. Van Aller writes about a 'a dizzying number of models' **[viii]** with regard to the reports and studies on constitutional reform carried out over the past 50 years. The latest report is but a mish mash of all previous reports with little new to add.

Van Aller surveying this state of affairs, writes: '(...) one can conclude that restructuring had yielded little. Theory had produced many models, but in politics hardly any attention was paid to them'.**[ix]** The wandering in the desert continues.

The reason for this apathy can be traced to several sources, all of them having their roots in our history. No other region has been hit so hard by the double whammy of its history. Not only was the region colonized, but for centuries, the majority black population had to endure the dehumanizing experience of slavery. Both conditions, colonialism and slavery involve the rule over one people by another. Both require learned reflexes to deal with the situation. One such reflex is the loss of confidence. For colonialism to work, the self confidence of the colonized had to be stripped, so that the colonized could place his confidence in the colonizer. Likewise, the slave was stripped of his self confidence, with all confidence subsequently being placed in the master. V.S. Naipaul in his book, *The Mimic Men* writes about this crippling lack of confidence in post colonial West Indian leaders. Ayearst defines the 'colonial complex' as a community-wide inferiority complex stemming from the relative unimportance and subordinate status of the colony as contrasted with the metropolitan country.**[x]** Singham states:

*... those socialized in colonial society exhibit numerous psychological scars. They are therefore often incapable of making the necessary adjustments to achieve the difficult task of decolonization, particularly those tasks involving economic and social change. The colonial personality finds genuine change psychologically upsetting. The elites in colonial societies tend to have basically authoritarian personalities. Authoritarianism is embedded in the entire social structure and the colonial personality structure. Personalities of this type are both aggressive and submissive. In most colonial societies, the middle classes form a large part of the elite. This group has usually sustained particularly severe psychological shocks from colonialism. They at first try to identify with the aggressor, but this provides no permanent psychological satisfaction or security, for they are made continually aware that they are not really accepted by the aggressor, either by open rebuffs or more subtle methods to mark their exclusion and inferiority. The colonized individual fears his aggressor and is never sure how successful his imitation of his superior is. The suspicion lurks that imitation only calls forth ridicule. Colonial societies tend to produce entire elite classes of imitators in the areas of language,*

*dress, social customs, and political forms. The societies of the West Indies still face the difficult task of creating a value system that will free them from the stigma of inferiority and will release the creative energies of their people.***[xi]**

Dr. Ralph Gonsalves, premier of St. Vincent and the Grenadines writes in this context of learned helplessness. Too many of our Caribbean people, especially leaders have become so accustomed to the idea that they are helpless that they believe it, even when it is patently not true. Indeed, there is a veritable industry devoted to the idea that we are helpless; this industry, based invariably on distorted scholarship, or no scholarship whatsoever, even sets out on a path to make all of us learn to be helpless.**[xii]** One example of this learned helplessness is the myth of Dutch aid. During a conversation with Ir. Ralph James, a St. Maartener who heads the Department of Development Cooperation in Curaçao, he admitted that the Antilles do not need Dutch aid and that the amount Holland contributes is an insignificant part of the budget. The Antilles and especially St. Maarten have flourished not because, but in spite of Dutch aid. A research paper of the University of the Netherlands Antilles (UNA, 1985) stated in this regard that: 'Before 1960 all capital investments were financed from local savings (...) Dutch aid has made the Antilles dependent (...) The Netherlands Antilles have up to today not succeeded in carrying out a development policy that results in self sufficiency for the islands and the emancipation of groups in social-economic terms'.**[xiii]** Following years of close-up studies of the development attempts in one of the world's most afflicted regions, Gunnar Myrdal came to the conclusion that 'the participation of outsiders through research, provision of financial aid and other means is a sideshow of rather small importance'.**[xiv]** It is this hard reality that learned helplessness tends to mask.

To compound matters for the Netherlands Antilles, the colonizing power, Holland displays a deeply ambivalent attitude towards its colonies. The UNA paper cited states in this regard: 'So far the Netherlands has not excelled in its role of decolonizer'**[xv]**. Three major events illustrate this ambivalence: the implementation of the Kingdom Charter, the independence of Suriname and the *separate status* of Aruba. All of these events were more or less forced on Holland. After World War II, all scholars agree, it was the decolonization pressure from the U.S.A. which forced Holland to eventually implement the Kingdom Charter and grant Indonesia its independence. In the case of Indonesia, the Dutch only gave up after humiliating military defeats and international pressure.**[xvi]** The

Kingdom Charter, with which Holland had hoped to entice Indonesia to remain in the Kingdom, was then hastily sloughed off on the Netherlands Antilles and Suriname. After the riots in Curaçao and Suriname in 1969, during which Holland was forced to intervene militarily in Curaçao and seriously consider the same in Suriname, Holland, its hand again forced by external events, hastily started making plans for the independence of its colonies. In 1972, a Dutch Policy document entitled 'Turning Point 1972' (*Keerpunt 1972*) boldly stated that the Antilles and Suriname would be independent within the next four year governing period.**[xvii]** Indeed, in 1975 Suriname did become independent. One Dutch writer mockingly called Suriname's independence 'Cross-eyed independence; one eye on the airport at Zanderij, the other on the approaching independence'.**[xviii]** An unintended consequence of this sudden Dutch urge for independence was Aruba's demand for a separate status. Aruba did not wish to be part of an independent Netherlands Antilles. Here we find another parallel with Anguilla. Anguilla did not want to be part of the Federation of St. Kitts, Nevis and Anguilla because of the old colonial affliction: Anguilla preferred a faraway London to a next-door St. Kitts. The principle was at work in Aruba as well: better a far away The Hague than a close Willemstad. In addition, both realized that seceding from an independent state would be a difficult task.**[xix]**

During a Kingdom Committee meeting (called to discuss the coming independence) in Paramaribo in 1972, Aruba first expounded its ideas concerning a 'Status Aparte'.**[xx]** From 1972 to 1986, Aruba went through an endless cycle of meetings, reports, discussion groups and two round table conferences. However the mass strikes in Aruba in August of 1977 were the real reason why anything finally happened. Events there got so hot that Holland realized that the next step might be armed conflict between Aruba and Curaçao.**[xxi]** As Vincent Doncker correctly observed, only when blood was about to flow, did change occur. Holland finally consented to hold direct talks with Aruba, according to Article 26 of the Island Regulation of the Netherlands Antilles.**[xxii]** Until then Holland had resolutely refused to hold direct talks with Aruba about a Status Aparte. Such was not possible Holland insisted, it would violate the integrity of the Netherlands Antilles.

Klinkers commented on this unwillingness of Holland to let go: 'The very idea of Aruba as an autonomous part of the Kingdom, appeared to be an insane thought. It simply could and would not be done'.**[xxiii]** When the threat of bloodshed

became imminent Holland suddenly dropped its objections. It was possible after all. It still took 9 years, from 1977 to 1986 of endless meetings and talks and reports, but the bridge had been crossed. In 1986 Aruba obtained Separate Status. The decolonization experiences of the Kingdom of the Netherlands show that trying to negotiate constitutional reform with Holland is an exercise in futility. Holland is simply too irresolute to do anything meaningful unless compelled to by force majeure.

The eminent German statesman Bismarck came to a similar German conclusion. After witnessing years of endless meetings and conferences to discuss the union of the various German states into one German nation in the 1800s - some of which were referred to mockingly as professors congresses, because of the large number of academics taking part in the process - he pronounced the words for which he has become famous. 'By Blood and Iron, unity will be achieved.' He set about to militarily beat his adversaries into submission and fashion the foundations of the modern German state as we know it today.**[xxiv]** So the wandering in the wilderness will continue. The inability of Holland to let go, coupled with the ambivalence and apathy of the population of the Netherlands Antilles combine at every step of the way to frustrate any move towards constitutional reform.

A word about Holland's relationship with Antilles. Like most Antillians, I have never been able to figure out what exactly keeps Holland hanging on. The answer I have been able to distill from several Dutch authors is mostly a colonial hangover that they do not know how to cure. Lammert de Jong in his book *The Operations of the Kingdom* also puzzled over this question. He described the relationship as steering blind and muddling through.**[xxv]** There is movement he writes, but as to direction and course one has to guess. Wehry, in his book, *Holland and the Caribbean basin*, after trying mightily to justify the Dutch presence, finally stated that it is important to Holland because it is the only Member of the European Union, that still has such ties in the Caribbean. Britain had already concluded that colonial possessions in the Caribbean were basically a waste of time and had granted independence to most of its colonies. Only the really tiny islands such as Anguilla, Montserrat, The British Virgin Islands, The Cayman Islands, and Bermuda which refused independence, still remained in the British empire at the time. France had no colonies as such. The overseas departments were an integral part of the French Republic, with full citizenship



accorded to the inhabitants.

They were no longer colonials but French citizens. The Dutch presence in Caribbean allowed to share patrol duties with the U.S. Navy and Coast Guard, and this somehow translates into prestige.**[xxvi]** De Jong writes about the Dutch ego that is flattered because of the Kingdom's constitutional ties in the Caribbean.**[xxvii]** Gert Oostindie tellingly describes the relationship as 'Strangling Kingdom ties',**[xxviii]** while Klinkers writes in her thesis 'The Road to the Kingdom Charter'**[xxix]** that some members of the Dutch political elite (1950's) felt that without colonies Holland would sink back to the insignificant status of a country such as Denmark. This situation is all the more perplexing when Great Britain, with more, bigger and richer colonies had come to the conclusion that the colonies were of no use, neither militarily, financially nor culturally. **[xxx]** De Jong states that contrary to popular belief, the Netherlands Antilles have never in history been a financial cash cow for Holland.**[xxxi]** Verton, citing Lijphart is of the opinion that Holland's involvement in the bitter struggles over West New Guinea were not the result of objective interests, but purely and exclusively for emotional reasons.**[xxxii]** No wonder Klinkers characterized the Dutch approach as 'Foot dragging decolonization'.**[xxxiii]** The Antilles until now have never used this Dutch emotional attachment to them to full advantage. It would be interesting for example, to see just how much Holland is prepared to pay for the privilege of indulging its emotions. Klinkers writes about the rigid structure of the Kingdom Charter in this respect.**[xxxiv]** England on the other hand used the exact opposite approach in the West Indies Act of 1967, by which she entered into a relationship somewhat similar to the Kingdom Charter with her former British West Indian colonies. The West Indies Act was constructed without a clear exit strategy. There is one area in the Kingdom Charter where all parties are treated equally. Art. 55 of the Kingdom Charter grants the Netherlands Antilles and Aruba a veto right over any changes. Holland therefore needs the Antilles if it wishes to get rid of its obligations towards these islands via a change in the Kingdom Charter.

An endless parade of Dutch political parties and Ministers of Antillean and Aruban affairs have issued volume upon volume of studies, reports, aide de memoirs and have held endless round-table meetings and lecture series on the relationship, but until such events as the riots in Curaçao in 1969 or those in Aruba in 1977, Holland does not act. We can therefore safely conclude two things: meetings,

lecture-series and round-table conferences will not bring about any constitutional change. The public is apathetic, Holland is clueless and the Antillian political elite too smitten with the colonial complex to bring about meaningful constitutional change.

Any island sincerely desiring constitutional change will have therefore to follow the example of Aruba and Anguilla and engage in creative violence. This is the only means to really get Holland's attention. In the case of St. Maarten, such creative violence may be largely symbolic and only restricted to some unilateralism. This because unlike Anguilla, Aruba and Curaçao there is no mass movement pushing events. The extreme heterogeneity of St. Maarten society also makes it doubtful whether such a mass movement can be fashioned. The various ethnic groups on the island have divergent interests. Immigrants, though a numerical majority on the island, are first and foremost concerned with economic gain, with little regard for constitutional development or nation building. Given these circumstances unilateralism can take the form of refusing to turn over certain taxes to the Central Government, establishing its own currency, or taking over the police force. These are all goals which might be able to rally a majority of the population to their cause regardless of national origin. Anything short of such drastic action will result in endless round table conferences and another fifty years of wandering in the desert. In closing I would like to leave you with a quote from Michael Manley:

*I refer here to the psychology of dependence which is the most insidious, elusive and intractable of the problems which we inherit (...) If a man is denied both responsibility and power long enough he will lose the ability to respond to the challenge of the first and to grasp the opportunity of the second (...) So too with societies. Denied responsibility and power long enough, they show a similar tendency and can become almost incapable of response to opportunity because there is not the habit of self-reliance. [xxxv]*

## **NOTES**

- i.** The main text of this paper is in English. Quotes and references to Dutch sources are translated. The original Dutch quote or reference is footnoted.
- ii.** Payne, Anthony & Paul Sutton, *Modern Caribbean Politics*. Kingston, Jamaica: Ian Randle Publishers, 1993. See in this context also the discussion by Edward Laing in: *Independence and Islands. The Decolonization of the British Caribbean*, pp. 305-312, in a paper read at an executive session of the International Law

- Section of the American Bar Association, held in Puerto Rico in December 1978.
- iii.** Aller, H.B. van, Van Kolonie tot Koninkrijksdeel: de staatkundige geschiedenis van de Nederlandse Antillen en Aruba (van 1634 tot 1994), p. 353. Groningen: Wolters-Noordhoff, 1994.
  - iv.** PAR stands for Partido Antia Restruktura (Antillean Restructuring Party).
  - v.** De Staatkundige herstructurering van de Nederlandse Antillen: Geen woorden maar daden!.
  - vi.** Een teleurstelling van de verwachtingen zou desastreus zijn voor het vertrouwen in de politiek. Maar dat niet alleen: ook de sociale vrede en het ondernemingsklimaat staan op het spel.
  - vii.** Schets van een Gemenebest Constitutie voor het Koninkrijk der Nederlanden.
  - viii.** 'een duizeling wekkend aantal modellen'.
  - ix.** Aller, H.B. van, op. cit.: 'Dit alles overziende kan worden vastgesteld dat de herstructurering weinig had opgeleverd. De theorie had vele modellen aangedragen maar hieraan werd politiek gezien nauwelijks aandacht aan besteed'.
  - x.** Ayearst, M., The British West Indies. The Search for Self-Government, p. 61. London: George Allen & Unwin Ltd., 1960.
  - xi.** Singham, A., The Hero and the Crowd in a Colonial Polity. New Haven: Yale University Press 1968, pp. 9-11.
  - xii.** See Dr. Gonsalves contribution in: Governance in the Age of Globalisation, Caribbean Perspectives, Kingston: Ian Randle Publishers, 2002, p.6, in which he attributes the phrase 'learned helplessness' to Charles Leadbetter's book: Up The Down Escalator. Why the Global Pessimists are Wrong.
  - xiii.** Voor 1960 werden praktisch alle kapitaalsuitgaven uit lokale besparingen gefinancierd (...) De Nederlandse hulp heeft de Antillen afhankelijk gemaakt (...) De Nederlandse Antillen zijn er tot op heden niet in geslaagd een ontwikkelingsbeleid te voeren dat resulteerde in verzelfstandiging van de eilanden en emancipatie van groepen in sociaal-economische zin'. Koulen, Verton en Silberie, Dilemma's van dekolonisatie en ontwikkeling: ontwerpen voor onderzoek, UNACahier No. 9, mei 1985, p. 75.
  - xiv.** Tibor, M., From Aid to Recolonization: Lessons of a Failure. Harrap: London, 1973, p. 154.
  - xv.** Nederland heeft als dekolonisator tot op heden geen glansrol vervuld. UNACahier, op. cit., p.5.
  - xvi.** See for a more thorough discussion, Albertini, Rudolf von, Decolonization. The Administration and Future of the Colonies 1919-1960. New York: Doubleday

& Co, 1971, pp. 492-499.

**xvii.** Ketelaars, H., (editor), *Het ontstaan van Suriname als nationale staat: een uitwerking volgens CSE model*. Leiden: Coördinaat Minderhedenstudies, RUL, 1990, pp. 121-123.

**xviii.** 'De schele onafhankelijkheid; één oog op Zanderij, het andere op de komende onafhankelijkheid' Willemse, Glenn (ed.), *Suriname. De schele onafhankelijkheid*. Amsterdam: Arbeiderspers, 1983.

**xix.** See for a discussion of the Anguilla separatist movement, Brisk, W.J., *The Dilemma of a Ministate: Anguilla*. Columbia: University of South Carolina, 1969.

**xx.** Voorbraak, D., *De Nederlandse Antillen. Een onzekere toekomst*, p. 24. Master's thesis. Amsterdam: University of Amsterdam, 1986.

**xxi.** Aller, H.B. van, op. cit.

**xxii.** *De Eilandenregeling van de Nederlandse Antillen*'.

**xxiii.** Vanuit Nederlands perspectief was afscheiding van het eiland Aruba vrijwel volledig ondenkbaar; eerder werd al de opmerking aangehaald dat "het rijksdeel Aruba" zo'n krankzinnige gedachte is'. Klinkers, Inge A.J., *De weg naar het Statuut. Het Nederlandse dekolonisatiebeleid in de Caraïben (1940-1954) in vergelijkend perspectief*, p. 434. Doctoral thesis, Utrecht University, Annex 5, [s.n.]: Utrecht, 1999.

**xxiv.** See for an excellent discussion of Bismarck's rise to power, Lokin, J.H.A. & Zwolve W.J., *Hoofdstukken uit de Europese Codificatie Geschiedenis*, pp. 222-230. Groningen: Wolters-Noordhoff/Egbert Forsten, 1992.

**xxv.** Jong, L. de, *De Werkvloer van het Koninkrijk. Over de samenwerking van Nederland met de Nederlandse Antillen en Aruba*, pp. 14-15. Amsterdam: Rozenberg Publishers, 2002,

**xxvi.** Wehry, G.A.M., *Nederland en het Caraïbische bekken: de Nederlandse Antillen, Aruba en het buitenlands beleid*. 's-Gravenhage: Nederlands Instituut voor Internationale Betrekkingen 'Clingendael', 1988.

**xxvii.** Jong, L. de, op. cit., pp. 208-209.

**xxviii.** Oostindie, Gert & Inge Klinkers, *Knellende Koninkrijksbanden. Het Nederlands dekolonisatiebeleid in de Caraïben 1940-2000*. Amsterdam: Amsterdam University Press, 2001.

**xxix.** Klinkers, Inge A.J., *De weg naar Het Statuut. Het Nederlandse dekolonisatiebeleid in de Caraïben (1940-1954) in vergelijkend perspectief*, Doctoral Thesis Utrecht State University, Utrecht, 1999.

**xxx.** Compare: Payne, A., *The International Crisis in the Caribbean*, p. 92. Baltimore: The Johns Hopkins University Press, 1984.

**xxxi.** De Jong, op. cit., p. 208.

**xxxii.** See Verton's contribution in: Sedoc-Dalhberg, Betty (ed.), *The Dutch Caribbean: Prospects for Democracy*. New York: Gordon and Breach, 1990, p. 204.

**xxxiii.** 'Schoorvoetende dekolonisatie'.

**xxxiv.** Klinkers, Inge, op. cit., Chapter 10, 'Naar een balans'.

**xxxv.** Manley, M., *The Politics of Change. A Jamaican Testament*. London: Andre Deutsch Ltd., 1974, p. 21

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# **The Kingdom Of The Netherlands In The Caribbean. The Politics Of Autochthony And Economic Globalization: Seamy Sides Of The Same Coin**



Koningin Juliana tekent het Statuut voor het Koninkrijk der Nederlanden, waarin een nieuwe rechtsorde wordt vastgelegd voor de relatie van Nederland met Suriname en de Nederlandse Antillen

*True human progress is achieved not so much by the application of ideas that are original as by ideas whose application brings more human beings together to share a richer and fuller life.*

John Blacking (1969: 60)

*What this essay is about*

After 50 years of the Kingdom Charter, the people of Sint Maarten want change. They want their country to gain a separate status within the Dutch Kingdom. A status that will be similar to the one Aruba currently enjoys; one that grants them direct access to the Netherlands, circumventing the bureaucracy of Curaçao. In this essay I argue that the success or failure of their representatives to achieve this goal will depend on how these engage the politics of autochthony, one of the dominant modes of thought of our times.

This mode of thought finds expression in the columns of mainstream public intellectuals in the Netherlands and on Sint Maarten who talk about the loss of 'authentic culture' and the cultural alienation of the autochthons. The loss is blamed on the onslaught of globalization, both from within and from without. The intellectuals on the right blame the working class newcomers (Third World globalization agents from within), while those on the left favor presenting us with a secret complot of North American capitalists pulling the strings of the Bush regime (the First World globalization agents from without). It is an odd combination, surreal, but it is one that is effective in a time of anti-Americanism

and anti-multiculturalism.

Mainstream public intellectuals in the Netherlands enjoy the respect of the masses as well as the elite. Think of Paul Scheffer, Bas Heijne, Jan Mulder, and Theo van Gogh. **[i]** Many Dutch people eagerly read their columns, which are increasingly spiced with autochthony. Their success has to do with the fact that those who write well are highly regarded, the vast majority of the Netherlands can claim to be autochthon, and the idea that Holland is the most tolerant of all Western countries is well ingrained in the minds of most. Many autochthons have imbibed the idea that the US could learn a thing or two from the Dutch, and not the other way around. Unable or unwilling to see the strong economic links between the US and the Netherlands, sentiments of anti-Americanism can proliferate without a sense of hypocrisy. It can be found in the left and in the right of the political spectrum. To strengthen their cause of anti-Americanism, which they equate with anti-capitalism, leftist intellectuals appeal unwillingly to the idea of Dutch exceptionality. Conservative intellectuals appeal to this same idea to warrant their appraisal of working class newcomers. Newcomers should thank God that they have the privilege of living among the tolerant Dutch. They should shed their cultural expressions as soon as possible and become like the Dutch. Newcomer intellectuals such as Ayaan Hirsi Ali who sing praise to this supposed beacon of enlightenment strengthen their sense of Dutch exceptionality. **[ii]** It is almost a caricature when one observes leftists intellectuals countering those on the right by claiming that it is an aberration of the *spirit* of Dutch culture to be so intolerant towards newcomers.

The same division between conservative and leftist intellectuals is discernible on Sint Maarten. Leftists cry 'shame on America,' adding that the representatives in The Hague and Brussels are also puppets of global capitalists. Sint Maarten will not be healthy until it severs its ties with the Netherlands, joins the bandwagon of Third World states resisting capitalism, and salvages its true 'autochthon soul'. Those on the right care little about global dynamics, blaming the working class and upper class newcomers for corrupting society. The autochthons are undergoing a process of cultural alienation, becoming strangers in their own country, and therefore they need to assert their right before all is lost. As is the case in the Netherlands, mainstream intellectuals on the left as well as on the right appeal to autochthony.

Truth be said, however, those who appeal to the politics of autochthony on Sint



Maarten are a small group with little support among the working classes and the elites. Intellectuals that write columns or books can't make a living from their craft; it is something they do on the side. Moreover, they have to compete with radio disc jockeys who capture the people's attention in ways they cannot. By interspersing their messages with the latest Calypso and Bachata hits, these disc jockeys cater to the universals of life, rather than to conventional politics: infidelity, broken homes, domestic abuse, friendship, and the need to love and be loved, things that all human beings experience. Anti-Americanism and autochthony rarely figure in their programs. Many told me that it made little sense to engage in such discussions in a country where 70 % was newcomer, and everyone's livelihood depends on North American tourism. The lettered champions of autochthony are upper middle class 'locals', surrounded by a sea of newcomers whose routes and roots transcend the island. Some popular disc jockeys such as DJ Shadow were quite explicit denouncing the idea of being a separate nation, the ground of autochthony, an affront to humanity

*Now when you sit down and look you can't say who is from SXM [St. Maarten] and who is not, who is 'local' and who is not. Furthermore I and I don't cater for that. That nation business is just hate business, Devil works. Whenever you have a nation, you have an enemy, you have war. 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.*

More weight can be lent to the appeal of disc jockeys, such as DJ Shadow, over and above those of the lettered intellectuals, when one realizes that Sint Maarteners have bred two 'indigenous ideologies' that transcend the politics of autochthony. These ideologies are the money tie system and Christianity understood as a meta language. The money tie system is the term used to denote the common sense that the ultimate ground of most relationships on the island is a quest for more money or power. Since one is first and foremost an individual, one is licensed to maximize one's gains while interacting with others. It matters little whether or not they belong to the same ethnic group as oneself. This is how Trevor, a carpenter originally from Jamaica explained the issue.

*... all Man is sinners and this here is Babylon land too [Babylon is the Rasta term for Western dominated Capitalism]. A thing that all over. The money tie system all over. The only thing that a different between SXM and Africa is that here is John*

*Pope land [part of Western Europe], so things better for the hand to mouth people here [Hand to mouth refer to the working classes who earn just enough to feed themselves and not fulfil other desires; the salaries of hand to mouth people go from their hand to their mouths/bellies]... Yes Babylon make it [selfish behaviour] worse cause Babylon is pure wickedness, but Man will always be selfish. That is the way Man plan. Everybody is checking for himself.*

On the other hand, Christianity understood as a meta-language refers to the manner in which Sint Maarteners are encouraged to live up to the Christian derived principles of solidarity and equality. For most Sint Maarteners, 'Christian' is a category applicable to anyone who seeks to behave civil in a country where the money tie system is an acceptable fact of life. This is how Violet, a nurse born and raised on Aruba, phrased the matter:

*But you ain't know that Francio, Christian is a passport on this island. Once you is a cool Christian nobody ain't bothering you; nobody ain't asking you if you have any papers [ID card, residence or work permit]. Where you come from. On this island we like cool Christians, those who will play they lil number [lotto], curse they lil bad word [swear], but still try to live right. That is the Christian we like and the Christian the tourists like to meet. Not those disgusting ones who constantly reminding you of death [the question of if you die do you know where you are going].*

The money tie system and Christianity understood as a meta-language represent the necessity, SXMers would say, of being both a self-interested individual and a non-egoistic member of society. They claim that this irresolvable existential dialectic is operative in all societies. This, they would argue, was the commonality upon which their politicians should seek a dialogue with their counterparts in the Netherlands. They were convinced that this starting point would lead to Sint Maarteners achieving a separate status within the Dutch Kingdom.

Their solution, unlike that of the lettered intellectuals on the island, is thus predicated upon a universal understanding of the human condition. It is an example of what I term a subaltern Globalization of the people against the economic Globalization of the global elite, and the autochthony craze of the lettered classes of the world.

This essay should be read as a note to those representatives of Sint Maarten who seek to truly represent the views of the majority of the islanders. I have divided

this paper into three sections. The first section seeks to undo the common sense with which lettered intellectuals in the Netherlands and Sint Maarten talk about Globalization. What I demonstrate is that Globalization has to be understood in the plural; that there are global flows orchestrated by the capitalist elite, and there are counter streams which are based on the experiences of the downtrodden. The latter forms have liberating potential, once they go beyond exclusive ethnicity. I will present the cases of Pan-Africanism and Zionism to demonstrate that within these subaltern forms of Globalization one finds tendencies forwarding a closed ethnic identity as well as open humanity embracing ones. The former ones resemble more localized based autochthony politics. Based upon this exposition I will demonstrate, in the second section, the flaws in the argumentation of mainstream public intellectuals in the Netherlands and Sint Maarten. Examples from both countries will be discussed. The Third section goes on to expound on the money tie system and Christianity understood as a meta-language, the 'indigenous' bred ideologies that go beyond a politics of autochthony.

### *Globalization*

Let me begin by tackling the juggernaut we call Globalization, for it is this specter that mainstream public intellectuals in the Netherlands and Sint Maarten summon to stake their claim of autochthony. Within and without academia Globalization is often understood as the increase of the circulation of goods, ideas, cultural expressions, peoples, and finances, which have rendered national borders porous. The counterpart of Globalization is the paradise lost presented to us in the columns of books of vanguard intellectuals. Never mind that an earnest academic can show them that this paradise never existed. The myth is what counts. The problem with such forms of mythology making is that they inhibit serious debate, and they frame Globalization as if it is a one-way process. As if it is one thing. As if the only solution is to assert one's autochthony, to seek to recreate the paradise lost.

Globalization, however, has to be understood in the plural. It is not solely a process whereby rich American capitalists are promoting commodity fetishism, and in the process disrupt older society-specific ways of relating. The concept of Globalization is not contained by this very real threat alone. For the Pan-Africanism of Marcus Garvey and C.L.R. James, or the Zionism of Theodor Herzl and Martin Buber, to name but a few global movements, are also forms of

Globalization. Economic Globalization, symbolized by the New Empire, North America, as Hardt and Negri (2000) assert, is given too much credit when one neglects these subaltern forms of Globalization.

If I might try my hand at definitions, I would state that Globalization is actually a rapid acceleration of what we human beings have been doing all along—and that is exchanging ideas, products, and cultural expressions across boundaries. For as long as human beings have walked on the face of this earth we have been exchanging. And for as long as we have been exchanging we have reacted against the negativities produced through these exchanges. Some of these reactions have been local, but many have also been global. It is the latter reactions that we need to unveil in a period where economic Globalization's circumference is everywhere, and its center more elusive.

The real question is thus how one can distinguish between positive and negative forms of Globalization. The positive being those exchanges which lead to true human camaraderie. The negative ones being those forms of exchange that create the illusion of irreconcilable differences, those which bring to mind Hobbes' dictum that Man is a wolf to Man. To be able to discern what is right and what is wrong we need to first understand that no ethnic group has a monopoly over death, destruction, and human carnage. Evil behavior does not belong to people with a specific skin tone, creed, or class background. We also need to realize what Wilson Harris means when he writes that 'Wound' and 'Renaissance' go hand in hand. **[iii]** 'Wound' being a hurt, a pain, inflicted due to human exchanges. 'Renaissance', being the actions taken towards vindication and regaining of one's sense of human dignity. A 'Renaissance' that produces hatred is not a 'Renaissance', in the Harrisian sense of the term, but a de-humanization of Self and Other.

### *Subaltern globalization*

With this knowledge at hand let us analyze the thinkers of Pan-Africanism and Zionism, two subaltern Globalizations if you wish. Without a doubt Marcus Garvey was one of the great thinkers of his time. He was a product of the 'Wound' that Europeans inflicted upon the people of African descent in the New World. He also embodied the 'Renaissance' of Blacks in the Diaspora, as he was one of the earliest protagonists of Black pride. Garvey encouraged black men and women in the Caribbean, and the wider Americas, to take pride in the land of their ancestors and the color of their skin. Long before the sixties slogan of 'Black is

Beautiful', Garvey told his followers that the darkest of browns is the color of Man too.

But we also need to understand the fundamental flaw in Garvey's politics, which was his idea that there existed human races and not one human race. Garvey was a man of his times. And in his times most people believed that there was a distinct African, Asian, and European Race. South African Apartheid, Jim Crow Laws, and the Nation of Islam, are but extreme examples of what may come of the lies that learned men and women have told to themselves and others. The fact of the matter is that there is one human race and we humans have always been mixing. It is a known anthropological fact that the first human beings came out of Africa and thereafter spread across the rest of the world. Differences in phenotype are but superficial adaptations to the environment. Europeans, Asians, Australians, and Americans are disguised Africans. This is what Garvey failed to acknowledge in his public denunciations of white supremacy.

Some pan-African intellectuals did however think beyond the paradigms of their times, and C.L.R. James was one of these. Like Garvey he too was the embodiment of the 'Wound' inflicted by European colonialism, and the 'Renaissance' that came out of that. But unlike Garvey, James advocated black pride divorced of the idea of the distinctness of the 'Negro Race'.

The novelty of James' thought was that he believed that Europe or the US could not understand itself unless it truly understood the contribution of the Caribbean to world history. The Caribbean was not solely an effect of Europe, but actually effected Europe. In his seminal work, the 'Black Jacobins', he showed that the French Revolution and the Haitian revolution inflected upon each other. Through this work we were led to understand that the famous battle of Waterloo would have been lost if a huge contingent of Napoleon's troops were not caught up fighting Haitian slaves.

In later works he showed that even the Romantic period was not divorced from the *presence* of New World slaves. What would the European Romantic age be without Alexander Dumas' *The Three Musketeers*, *The Man with the Iron Mask*, and *The Count of Monte Cristo*? James made millions of black and white children aware that Alexander Dumas was the Martiniquian son of slave woman. He was the embodiment of the encounter between the colonizers and the colonized. But James went further as he constantly averred that Dumas was no exception, as we

all are the offspring of the slave masters and the slaves of history. Therefore revenge, that evil based upon the complete othering of the Other, should have no place in emancipating movements predicated on creating a classless world. This is what C.L.R. James taught us.

In Zionism we see a similar dialectic. It is not a gesture of political correctness or good form to state that Jews have been a people that have sustained indescribable persecution throughout the ages. If there is one constant scapegoat throughout European history, it is the Jewish people. Nazism was only exceptional in so far as its scope; it was not in so far as its stigmatization of Jews. Like the New World Blacks, they too have produced men and women who have embodied both a 'Wound' and a spirit of 'Renaissance'. Theodor Herzl, credited with being the mastermind behind the founding of the Jewish state, longed for respect and an end to the persecution of his fellow men. To protect Jews from persecution Herzl proposed the founding of a Jewish state. Where he went wrong was that he saw the Arabs that lived in Palestine as being intruders. For him they were fundamentally different. Herzl, mirroring Garvey, was a man of his times who dared not accept that terms such as Jew and Arab were but nouns that hid the common humanity of these two peoples.

But the 'Wound' inflicted upon Jews also bred Martin Buber, a man with a vision paralleling that of James. **[iv]** Buber's classic statement was 'no human being can give more than making life possible for the other; if only for a moment.' Another statement was, '[w]hen I meet a man I am not concerned about his opinions. I am concerned about that man.' Buber averred that true Zionism could encompass Jews and Arabs, as well as the rest of humanity.

He also made us aware as few others have of the importance of dialogue. He distinguished three forms of dialogue, namely, genuine dialogue, technical dialogue, and monologues disguised as dialogues. Let me start with the latter. A monologue disguised as dialogues is when the people being spoken to are not recognized as being persons. We spit out words at them and treat them as though they were things. A technical dialogue characterizes itself as being about finding objective parameters of truth. Here again the other person is but a means to an end, and we scold him or her for not living up to expectations or grasping 'the truth'. The third type of dialogue, that which Buber coined genuine dialogue is one between equals. We treat the Other as a person, as we would like to be treated. While we may have opposing views, we heed, listen, and seek to build

common worlds. We recognize that the Other is also seeking a way in this world.

### *Autochthony movements in the Netherlands and Sint Maarten*

The exposition the thoughts of the four thinkers just discussed lays bare the problematic of the politics of autochthony forwarded by mainstream public intellectuals in the Netherlands and on Sint Maarten. They are hardly interested in genuine dialogue, a dialogue where the people they talk about are recognized as being equals. They are specialists in monologues disguised as dialogues. In their columns and books, they rabble-rouse, accuse, and feed on people's anxieties. The Other with whom they are in conversation, or better phrased those whom they are talking about, are depicted as rats, lice, and cockroaches corrupting the moral fabric of Dutch and Sint Maarten society.

In the Netherlands this is explicitly manifested in the blaming of immigrants of Moroccan, Turkish, and Curaçaoan descent. Increase in crime, domestic abuse, and religious fundamentalism are made to be synonymous with these groups. What their reading public is offered is nonsense posing as sense. Take for instance the issue of crime. It is a fact that many Moroccan, Turkish, and Curaçaoan youngsters are involved in crime, but so are many 'autochthon' Dutch youths. Moreover the '*Bouw Fraude*', the '*Betuwelijn*', and the '*Albert Hein affaire*' are but the tips of the ice berg that demonstrate that men and women in three piece suits are not exempt from the lure of crime. **[v]** It has always been the case that the offences committed by the working classes are highlighted while the white collar crime that cost the tax payer millions is muffled over.

While residing on SXM I heard mainstream public intellectuals engage in similar blame the victim tactics. It was the Colombians that were spreading immorality, the Indians that were preventing SXMers from getting a job, and the Haitians that were overpopulating the island. If anyone were to believe them, all would be well and swell once the immigrants left the country or stopped with their uncivil ways. Let me grab a concrete example to show the faultiness in their reasoning. In newspaper columns these intellectuals write that East Indians only care about East Indians. They only employ their own. The writers claim that they are not badmouthing anyone. They are just 'stating the facts'.

This form of 'merely stating the facts' however, blinds their readers to a fundamental understanding. First, if East Indians merchants truly cared about East Indians workers, they would not have these working 11 to twelve hours a day for meager salaries. That is not a case of caring, but one of plain and simple

exploitation. If we take a class perspective on the matter, we realize that upper classes the world over like their workers docile and cheap. East Indian workers, dependent on their employers for a work permit, are as docile and as cheap as they come. Exploitation and racist thought—the latter is also part of the equation—is not an East Indian trait, but one we often find among members of the upper classes.

What the ‘vanguards’ in the Netherlands and on Sint Maarten are espousing is a ‘Renaissance’ which excludes and dehumanizes. It is a ‘Renaissance’ that is of little utility in Dutch-SXM talks with regards to the latter’s quest in obtaining a separate status within the Dutch Kingdom.

### *SXM and Dutch dialogues*

While Sint Maarten politicians are less susceptible to the ideas of the island’s public intellectuals, they are nevertheless influenced by their discourse. The recent talks between the representatives of Sint Maarten and the Dutch government can be described using Buber’s term as technical dialogues and monologues disguised as dialogues. Beneath the veneer of pleasantries, the Dutch politicians shot off salvos of derogatory remarks at one another. Employing the moral science of statistics, the Dutch camp brings in all kinds of technical arguments to demonstrate that the Sint Maarten civil service is not equipped to be a separate partner within the Dutch Kingdom. Between the lines SXM administrators are accused of being corrupt and reminded that they are peripheral to the Dutch Kingdom. The Sint Maarten camp usually retorts by employing the Law. They interpret the Kingdom Charter in such a way that on a legal and moral basis the Netherlands has to respect their people’s quest to obtain a separate status within the Kingdom. Implicitly the Dutch are accused of being neo-colonialists, and sometimes puppets of international capitalists. Miscommunication is the net result of these kinds of encounters.

The major losers are the Sint Maarten people. This is so since SXM politicians who are contaminated by the politics of autochthony are inadvertently preaching to the Dutch media machine and the ideas forwarded by conservative vanguard intellectuals. They are corroborating the dominant premise of irreconcilable differences between the Dutch and the Antillean ‘identity’. The latter is synonymous with the so-called crime spree of Curaçaoans. Because the general public in the Netherlands cannot distinguish the islands, they usually accept that Sint Maarten is a carbon copy of the mediatized image of Curaçao.



This unfortunate state of affairs can be averted if the conversation SXM politicians have with their Dutch counterparts is one based on a genuine dialogue as Buber would put it. This dialogue would start out by recognizing the analyses of the vanguard for what they are: products of a 'Wound' inflicted by economic Globalization. Both the Netherlands and Sint Maarten are experiencing the negative effects of a world where multi-nationals are becoming less bound to nation-states. Dutch multi-nationals, for instance, display little loyalty to the Netherlands. Phillips, Unilever, and Shell, the pride of the Netherlands, have transplanted much of their labor-intensive production processes to Third World countries. That thousands of autochthon Dutch men and women are jobless, and that the newcomers are blamed for the economic malaise is of little consequence to the executive board of Dutch multi-nationals. So too, are the headaches of Dutch politicians who amidst widespread unemployment have to secure amenities for a graying Dutch population. Thus behind their façade of technical prowess, Dutch politicians are just as vulnerable to Global forces as Sint Maarten politicians are. This is what SXM politicians have to realize, instead of being caught up in the outdated jargon such as 'neo-colonialism'.

A genuine dialogue can only take place when Dutch and SXM politicians begin from the understanding that both are seeking to secure the livelihood of their people, in the midst of a fierce and competitive world market. Sint Maarten's quest for a separate status can then be seen in the same light as the further integration of the Netherlands within the European Union, namely, a means to better one's competitive edge.

Implicitly both then may arrive at the understanding that, as the Martiniqueian writer Patrick Chamoiseau phrased it, no country can be truly independent within our global age. Alone, the Netherlands cannot survive. The same is the case for Sint Maarten. We are heading for a world of supra regional blocs: the European Union (EU), the Association of Southeast Asian Nations (ASEAN), Common Market for Eastern and Southern Africa (COMESA), and the Free Trade Area of the Americas (FTAA). There are even initiatives underway to create transoceanic trading groups such as the APEC and the TAFTA. In short, we had the age of colonialism, followed by post-colonialism, and we seem to be heading to a postpost-colonial world.

The politics of autochthony in the Netherlands and on Sint Maarten are politics of retrograde. Sint Maarten politicians need thus to have a future and past oriented

outlook, even as they operate in the present. This should be the basis for redesigning Kingdom relations in the 21st century. In other words, while it is necessary to remember that Dutch and Sint Maarten politicians had different social locations in the past, it is equally important to understand that Sint Maarten and Dutch politicians are in a different world than their predecessors were. This is just another way of saying that political economy without a genuine appraisal that the world is forever changing runs the risk of letting in identity politics through the backdoor. Within these changes, the working classes on the island have constructed fundamental humanity as changeless. This was their existentialism.

### *The money tie system and Christianity as a meta-language*

C.L.R. James' famous dictum was that politics should start at where the people are, and distill the radical possibilities hidden in their way of doing life. While conducting fieldwork on SXM I realized that the conditions of life on SXM had produced two ideologies that offer alternatives to politics based on autochthony. These are Christianity employed as a meta-language and the money tie system. When most Sint Maarteners claim that their society is Christian, what they are actually saying is that they understand that Christian oriented values are and have been historically important. They do not wish to implement a theocracy, or even to exclude other religious practitioners in their society. Let me give an illustration of the many I collected during my fieldwork. In words worthy of Henry David Thoreau (1942), who argued that philosophy's main task is about bringing men and women to an understanding of their inner-divinity, one middle aged housekeeper I met at a bar told me every one born is a descendent of Adam and therefore they are worthy of being called a Christian. In her words, *'once you are born you are a Christian. We are all children of God since we all belong to the Adamic race.'* This woman who had enjoyed very little schooling made it clear to me that she understood that every human being is an Adam, a being thrown into the world; a being who must carve out a path in life for him- or herself. That she could see a Christian in every person she met, and those she would never meet, meant that she understood that Christianity was about having an ethical relationship to the Other. And these others are inevitably part of oneself, as all stems from what theologians term God and metaphysicians such as Berkley called the Universal Mind. **[vi]** This understanding calls for a non-egoistic insertion in the human community.

We should not downplay this example, for what it actually alerts us to is that most SXMers understand what the ideologues among the Dutch Christian Democrats (CDA) are seeking to get across to their constituency. They understand that a healthy society should have a religion in the Durkheimian sense of the term, meaning a transcendental sense of its Self.**[vii]** But where CDA politicians like many Christian leaders sit in on an ideal plane and criticize the worldly, Sint Maarteners embrace the fallibility of the human condition. During a session at Father Charles, I witnessed the nods of approval when this popular priest reminded his flock of the age-old wisdom that the man who forgets that he is human and tries to behave like an Angel turns out being a beast. We may aim for the stars as long as we do not forsake the earth is what Sint Maarten politicians, basing themselves on their people's knowledge, can teach their CDA counterparts.

Most Sint Maarteners translated their awareness of the constitutive fallibility of the human condition into an understanding that besides Christianity, their society was held together by an overall recognition of the money tie system. The money tie system conveys their understanding that all relationships are ultimately grounded in a quest for more money and power. In other words they understand that there are no pure disinterested relationships between human beings. Hard economics and status acquisitions are always the non-transparent last instances in all societies. Being a Christian cannot be divorced from this lived reality. This is how Clem, a petty entrepreneur from Dominica reasoned.

*...the kind of Christians you looking for, well we don't have that kind over here so. This here is money tie system land. Come to think of it, I don't think that kind of Christian Christian [true pious Christians] exists except in the Bible or somewhere where people cut off. Sint Maarten is not a place that is cut off. You hear about the Big Apple, well this here is the Little Apple. That is what the people from the neighboring islands does call Sint Maarten. Anybody on the island who receiving a paycheck can't say that he born again. If he say that he is, he's a hypocrite, a stinking dirty liar. Every month that he collect that paycheck knowing that a lot of drugs money does pass through this place he sinning. Every time he say thanks for that tip knowing that it is from people who exploiting they own people in the States, he sinning. We are all sinners, we trying to be Christian, Christian yes, but we can't be it as long as this island remains being the Little Apple.*

Since the Netherlands is also a place that is not cut-off to use Clem's words, there can be no glorification of the nobility of the autochthon Dutch. This is the reality of both countries, and beneath this social reality Sint Maarteners would argue there is the reality of the simultaneous fallibility and divinity of all humans. According to the plebeians of SXM society, a genuine dialogue between the SXM delegation and its Dutch counterparts begins with this understanding. Who needs the politics of autochthony when by doing life most working class Sint Maarteners have intuitively come to understand that Wilson Harris' theory of the 'Wound' and 'Renaissance' are fundamentally universal.

## NOTES

- i.** Theo van Gogh was murdered a few months ago by a Muslim extremist for his anti-Islamic views.
- ii.** Ayaan Hirsi Ali is a Dutch politician who was born and raised in Somalia.
- iii.** See Kutzinski (1995).
- iv.** For a detailed exposition of Buber's thoughts see 'The life of dialogue 4th edition' (2002).
- v.** The 'Bouw Fraude' involved fraud and unlicensed cartel activities by major building contractors. The 'Albert Heijn affaire' was the Dutch version of the Enron accounting scandal. The 'Betuwelijn' is a major railway project of the Dutch government which cost much more than the taxpayer was told it would.
- vi.** For a thorough explanation of major metaphysical thinkers see Vesey (1992).
- vii.** See Durkheim (1965).

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# The Kingdom Of The Netherlands In The Caribbean ~ Denicio Brison To Francio Guadeloupe



I have read your paper and would like to address a few of the issues you have raised.

First of all, I have worked out a theoretical framework that relies on a mathematical model to predict when autochthony would rear its head. Basically it states that every society has a given tolerance level for accepting outsiders. Once this level is breached, the reactions you describe set in. But there are other factors; different groups in the same society display different levels of tolerance to foreigners, depending on how much they benefit from foreigners or are threatened by their presence. In addition, there are

differences in tolerance levels for different types of foreigners, depending on education levels, racial background and perceived integration prognosis. In addition, these tolerance levels change over time, within all the various categories. By assigning values to the different variables I mentioned and plugging them into an equation one can attempt to project just how many foreigners the local population as a whole can tolerate without creating social friction and resentment. Sure, we all belong to the human race, but still we need time to adapt to the changes the movement of people creates. By being sensitive to the tolerance level of the host country and showing understanding for the fears

and anxieties of their hosts, prospective immigrants can make their adjustment much easier. They can also identify countries where their presence is more appreciated and avoid countries where tolerance levels are approaching the breaking point. It makes no sense to force oneself on others, no matter how much the Other is a member of the human race. Forcing the issue only creates friction and resentment.

Secondly, don't many people still believe that there are distinct races? You state that differences in phenotype are but superficial adaptations to the environment: 'Europeans, Asians, Australians, and Americans are disguised Africans'. Try selling this idea, i.e. that whites are disguised Africans, and experience the hostility the very idea provokes. Academics readily accept this theory. But it is with the same approach as evolutionists. They accept that we are descendants of apes, but it was all so long ago, so speculative as to render it nothing more than a vague abstraction. So too, should the idea of black as the proto-type of the human race be seen. Keep it safely in the outermost recesses of human existence. A long, long time ago. Most whites would be deeply offended by anything more immediate.

Thirdly, what do you mean with: 'Employing the moral science of statistics'. Is statistics a 'moral science'?

Fourthly, living on Sint Maarten, one can safely argue that 'neo-colonialism' is not an outdated concept at all, but alive and well. Classical colonialism was the exploitation of the colony for the benefit of the mother country. Neo-colonialism is the exploitation of the colony for the benefit of agents of the mother country, its most visible manifestation being technical and other forms of 'assistance'. Technical assistants earn many multiples of what a similarly, or better qualified local can expect to earn, live in exclusive enclaves and in general enjoy a luxurious season in Paradise. Big infrastructural projects end up in the hands of contractors of the donor country and the colony or recipient country is little more than a transfer point for the money. Precious little real development ever comes from 'technical assistance' or 'project grants and financing' (see Gunnar Myrdal on this). Projects such as DEPOS' are prime examples. Its prime beneficiaries are a coterie of Dutch technical advisors and contractors. This is the reality of the 'new colonialism' or 'neo-colonialism'.

Finally, you state that no country can be truly independent within our global age.

My idea is that countries do not seek independence in the classical term of the word but they want sovereignty. Only sovereign countries can collaborate on a voluntary basis, to achieve mutually beneficial ends. A country that is dependent, that has not achieved political independence, cannot enter into agreements with other countries on its own. First of all other countries do not recognize it and secondly, it is the mother country that enters into international treaties for and on its behalf. It is dependent. It cannot act on its own. Only a sovereign country is free to decide to join, say the EU. The EU does not enter into discussions with countries that are not politically independent.

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## **The Kingdom Of The Netherlands In The Caribbean. The Need For A Critical Imagination ~ Francio Guadeloupe (In Reaction To Denicio Brison)**



*Reality is not defined by matters of fact. Matters of fact are not all that is given in experience. Matters of fact are only very partial and, I would argue, very polemical, very political renderings of matters of concern and only a subset of what could also be called states of affairs.*

(Bruno Latour)

The counter arguments put forward by Brison in this volume are eloquently phrased, and convey his concern for the welfare of Sint Maarten. Nevertheless they are fundamentally flawed. I shall not address all of his arguments in detail. Instead I will focus on the two major poles around which they revolve. These are

Brison's defence of nationalism, and mathematics as a solution to solving the inevitability of autochthony politics. Reading against the grain and in-between the lines, I have come to the conclusion that he is advocating a sophisticated form of Black Nationalism.

Behind Brison's politically correct phrasing, excusing autochthony, mathematics creeps up as the magical solution. Through mathematics one would be able to find out who fits where in the world, which people should reside where in the world, and when a society has reached its tolerance level. Later in his rebuttal to my essay Brison asks why I call statistics, which to a large extent is based on mathematics, a weapon often employed to discredit the governing capacities of Antillean civil service, 'a moral science'? The answer is a simple one. Many intellectuals, who employ statistics to address complex societal matters, reduce the flow of life to a set of hegemonic variables upon which they make equations and then state 'the facts do not lie'. What they omit is that these 'facts' are based upon the mathematical and computational models they choose, and the significance they assign to the variables. Moreover, there is always narration in mathematical models. And it is these narratives together with the techniques employed that define and construct 'the facts'. Mathematical facts employed in social life do not speak for themselves. There is power and interests behind these.

Unspeakable horrors have been committed when the moral science of statistics has been combined with a politics based on autochthony. Think of the far too little documented fact of eugenic projects implemented in the late 1800s and 1900s throughout the Americas. Statistics, mathematics, and the pseudo science of raciology, were presented as evidence that blacks were degenerates. Legislators and leading intellectuals in Brazil and Argentina reasoned that it was better to encourage immigration of European immigrants since these were supposedly fitter than Africans and Asians. Europeans would not exacerbate the tolerance level of these societies (Andrews 2004). In one sense, it is striking that these earlier proponents of mathematical solutions to immigration employed many of the variables that Denicio Brison does. Education, 'racial similarity', and prognosis of integration all ranked high in their elaborate argumentation. They were advocating a practical morality and not what they considered the unrealistic humanism of those who dared dream of a raceless and classless society My unease at the similarities between Brison's solution and that of the white racists of old, and those who keep the faith in the many power centres of the world, was



brought to rest after re-reading Paul Gilroy's *Black Atlantic* (1993).

*The traditional teaching of ethics and politics—practical philosophy—came to an end some time ago, even if its death agonies were prolonged. This tradition had maintained the idea that a good life for the individual and the problem of the best social and political order for the collectivity could be discerned by rational means. Though it is seldom acknowledged even now, this tradition lost its exclusive claim to rationality partly through the way that slavery became internal to Western civilisation and through the obvious complicity which both plantation slavery and colonial regimes revealed between rationality and the practice of racial terror. Not perceiving its residual condition, blacks in the west eavesdropped on and then took over a fundamental question from the intellectual obsessions of their enlightened rulers. Their progress from the status of slaves to their status of citizens led them to enquire into what the best possible forms of social and political existence might be (Gilroy 1993: p. 39).*

Gilroy shows that most blacks were able to create practical philosophies that transcended ideas of nation and ethnicity, however, he also remarks that black nationalists coloured the racial philosophies of the former rulers brown. They eavesdropped on their former master's concerns without employing their critical imagination, and rebuked the humanism of the common folk for being too naïve: a case of false consciousness. And thus when one looks closely at staunch black nationalists and their white counterparts, one observes that throughout history there have been many similarities. If white was labelled an essential identity, then radical blacks asserted blackness. If whites argued that to every people belongs an exclusive right to a territory, then black nationalists forwarded the same logic. If whites claimed that the minority should lead the masses to the founding of a nation-state, otherwise it would never happened, blacks presented the same reasoning. If whites made hierarchies within the polity assigning some lesser citizenship because of skin colour, ethnicity, religion, or time of arrival then these black intellectuals in the Global South aver that their countries should do the same.

White and black nationalists are seamy sides of the same unusable coin that we should throw away, and with them the idea of exclusive nationalism and sovereignty. This idea has caused so much discord between the peoples of this earth. Decolonization was necessary but for C.L.R. James, Franz Fanon, José Martí, three of the finest minds the Caribbean and the world has produced, it was

but a step to a humanism that encompasses the globe. My argument remains that those countries that did not pursue independence in the sixties and seventies, the heyday of the independence struggles, have to understand the world as it is today. It means forging a New International that transcends nationality and ethnicity. An International that uncovers and dismantles the mechanisms which keep the 'havenots' and the 'have-a-little' fighting for crumbs, while the handfuls of 'haves' eat the global cake. My stay on Sint Maarten convinced me that the most inhabitants of the island are susceptible to a New International attune to their particularities. As I stand in front of a class full of mostly white faces at the University of Amsterdam teaching the unity of humankind as argued by the Haitian Anténor Firmin (1885), the first anthropologist to discredit the idea of different human races, I realize that West Indian blacks who eavesdropped upon their former masters, while employing their critical imagination, spoke the truth to power. I believe that we owe them that much and more. We need to imagine and create new architectures of human commonality in our politics.

*The continuous exploitation of man by man, inhumanity of man to man, is reinforced ironically, I believe, by ceaseless catalogues of injustice. We need somehow to find an original dislocation within which to unlock a body of claustrophobic assumptions which strengthen it by promoting a self-encircling round of protest - a continuous obsession with irreconcilable differences - irreconcilable frontiers - irreconcilable ghettos - like a static clock that crushes all into the time of conquest. Much of the character of civilisation as we have known it - has been geared to this static clock which obviously seeks to shape its material, all its human material, into time-tables of defensive capital, defensive labour, and other territorial imperatives. That is why the catalogues of deeds compiled by historians conform to dead time that measures man as a derivative industry making animal, tool-making animal, weapon-making animal. And the quest therefore for an inner clock is so necessary in our situation of social and industrial character geared relentlessly to static time (Harris, 1970: p. 28).*

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# The Kingdom Of The Netherlands In The Caribbean. De 'reinvention' Van Het Koninkrijk



## *Inleiding*

Binnen het Koninkrijk is er al een halve eeuw sprake van een LAT-relatie.**[i]** Onze partner Nederland bevindt zich meer dan negen uur vliegen hier vandaan. De liefde binnen zo'n LAT-relatie loopt het risico om natuurlijk naarmate de tijd vordert te bekoelen. Zeker als er binnen de relatie al vanaf het begin vooral sprake was van

wantrouwen en onbegrip.

Het is overigens de vraag of in het begin, nu dus een halve eeuw geleden, bij onze Nederlandse partner de noodzaak bestond om voortaan, zoals de Preambule van het Statuut het zo fraai formuleert, samen met ons 'op voet van gelijkwaardigheid de gemeenschappelijke belangen (te) verzorgen'.**[ii]** Waren er overigens wel 'gemeenschappelijke belangen', die wij samen zouden kunnen gaan verzorgen? J.H.A. Logemann, die in wisselende hoedanigheden heeft geparticipeerd in het hele proces van totstandkoming van het Statuut, was heel stellig. Volgens hem bestonden er geen gemeenschappelijke belangen. 'Ik heb al vele malen ook in dit blad (7 en 14 januari 1950) betoogd, dat dit niet het geval is. De drie landen

liggen te wijd uiteen, in politiek, economisch en cultureel verschillend milieu; zij bergen te wijd verscheiden bevolkingen. De eenheid van het Koninkrijk berust niet op het feit, dat zijn burgers in een gemeenschap zijn verenigd. De objectieve factoren ontbreken en het wordt ook niet als zodanig gevoeld, noch overzee noch in Nederland', aldus Logemann.**[iii]** En toch vond hij dat de rijkdelen bij elkaar moesten blijven.**[iv]** Hoe dan ook, na samen een halve eeuw meer leed dan liefde te hebben gedeeld blijkt dat meeste Nederlanders geen heil zien in de voortzetting van onze huidige LAT-relatie.**[v]**

### *Percepties en realiteiten*

De meeste Nederlanders willen dus van ons af. Maar wij willen in het Koninkrijk blijven. Wij denken dat wij met het Statuut een nevenschikte en gelijkwaardige positie in het Koninkrijk hebben verkregen. En in onze perceptie willen de Nederlanders helemaal niet van ons af. Integendeel, wat zij willen is het Statuut opzij zetten zodat zij ons opnieuw kunnen koloniseren en weer, net als in de tijd van voor het Statuut, de baas over ons spelen. Wij trekken dan ook voortdurend ten strijde om onze gelijkwaardigheid en nevenschikking binnen het Koninkrijk te verdedigen en om respect voor het Statuut te eisen. Wij hebben een diep wantrouwen tegen Nederland en zijn voortdurend op onze *qui vive*. Want Nederland komt telkens met nieuwe listen om het Statuut uit te hollen. Nu willen ze ons nota bene ultraperifeer gebied van Europa maken zodat wij provincie van Nederland worden en zij dus opnieuw de baas kunnen spelen.**[vi]**

Terug naar de realiteit. Dezelfde Logemann die meende dat er geen 'gemeenschappelijke belangen' waren, was niet erg onder de indruk van wat wij uiteindelijk hadden bereikt in de jarenlange Statuuts onderhandelingen met Nederland. En Logemann kon dat goed beoordelen. Hij kon het eindproduct van de onderhandelingen, het Statuut van 1954, vergelijken met de in 1948 tussen de Koninkrijkspartners overeengekomen ontwerp-Rijkgrondwet voor het Verenigd Koninkrijk der Nederlanden. Daar was hij één van de redacteurs van geweest. Logemann kon kort nadat overeenstemming was bereikt over het Statuut op een internationaal congres van dekolonisationsdeskundigen meedelen: *The surprising result is that Surinam and the Antilles have contented themselves with little more than a consultative role.***[vii]** Logemann wist waarover hij sprak en hij had gelijk. Het Statuut heeft in tegenstelling tot de ontwerp-Rijkgrondwet van 1948 een strikt hiërarchisch systeem geschapen waarin Nederland een staatkundig dominante positie bekleedt en wij een ondergeschikte positie.**[viii]**

Maar wij konden natuurlijk nooit toegeven dat Logemann gelijk had. Premier Jonckheer, die als oppositieleider op de laatste vergaderdag waarop de delegaties hun instemming hadden betuigd met het Statuut nog zijn grote teleurstelling over het resultaat had uitgesproken ging dan ook in 1955 mee naar New York om de Algemene Vergadering van de VN ervan te overtuigen dat wij met het Statuut echt 'self-government' hadden verkregen. En dit lukte ook; zij het wel met veel pijn en moeite.**[ix]** 'Deze uitslag is ongetwijfeld voor een belangrijk deel te danken aan de uitnemende wijze waarop de vertegenwoordigers van Suriname en de Nederlandse Antillen in de delegatie de vergadering hebben voorgelicht', aldus van Helsdingen.**[x]**

Sinds die tijd koesteren wij het Statuut dat ons 'nevenschikking' en 'gelijkwaardigheid' in het Koninkrijk zou hebben gebracht.**[xi]** En deze op een fictie gebaseerde perceptie vormde de basis voor onze opstelling in Koninkrijkverband in de laatste halve eeuw. En wij willen het zo houden ook. En Nederland moet niet aan deze gelijkwaardigheid tornen. Kortom wij willen Nederland buiten onze Caribische deur houden terwijl de meeste Nederland niets liever willen dan helemaal vertrekken. Wij hebben dan ook een heel zonderlinge LAT-relatie in ons Koninkrijk.

Intussen ontkomen ook wij niet aan de realiteiten. Zelfs de toekomst is niet meer wat zij was. Alles verandert, in de wereld, in het Koninkrijk en ook bij ons. Het wordt tijd dat wij de realiteit onder ogen gaan zien. In de tijd dat wij met Nederland onderhandelden over het Statuut was ons per capita inkomen bijna anderhalf maal zo hoog als dat van Nederland. Inmiddels woont nu meer dan de helft van de Curaçaose bevolking in Nederland. En onze mensen zijn niet daar naar toe gegaan vanwege het mooie weer of de gastvrije ontvangst. Ze zijn daar naar toegegaan om dat zij hier geen perspectieven meer zien voor zichzelf en hun kinderen. Zij ondervinden aan den lijve dat er blijkbaar toch iets mis is met een beleid dat grotendeels gebaseerd is op ficties. Zij stemden met hun voeten en vertrokken naar het kille Nederland. Zij konden zich niet de luxe permitteren om geen rekening te blijven houden met de voor hen harde realiteiten. Ook wij niet; het wordt tijd dat ook wij gaan beseffen dat regeren vooruitzien is. En dat verantwoorde besluiten alleen genomen kunnen worden op basis van de realiteiten en het inzicht in de ontwikkelingen die overal om ons heen plaatsvinden. In dit artikel kan uiteraard alleen maar op een paar van die realiteiten en ontwikkelingen gewezen worden.

*Het Koninkrijk en de Europese Unie*

Ons Koninkrijk is kort na de totstandkoming van het Statuut tot de Europese Economische Gemeenschap (EEG) toegetreden; de juridische voorloper van de steeds meer integrerende Europese Unie (EU) die hoogstwaarschijnlijk binnenkort haar eerste Grondwet krijgt.

Ook ten aanzien van onze huidige relatie met de EU is er sprake van een hardnekkige op een fictie gebaseerde perceptie. Velen gaan er van uit dat wij, met onze op de oude EEG-regeling gebaseerde LGO-relatie, de EU buiten onze deur houden.**[xii]** Zolang wij LGO blijven zou de Europese integratie voor ons geen consequenties hebben. In onze LGO-relatie zou de EU onze 'autonomie' niet kunnen aantasten (en in de UPG-relatie wel)**[xiii]**. Dat lijkt op het eerste gezicht ook zo. Maar hier geldt een van de wijsheden van Johan Cruyff: *Je ziet het pas als je het door hebt.***[xiv]**

Het hele Koninkrijk, dus niet alleen Nederland, is lidstaat van de Europese Unie. Onze burgers met Nederlandse nationaliteit in Banda Bou en in Kadushi Largo op Aruba zijn sinds jaar en dag burgers van de Europese Unie. En 98% van het Koninkrijk, het op grond van het Statuut staatkundig dominante Nederland, integreert meer en meer in deze Unie.

Maar bij deze integratie draagt Nederland niet alleen de behartiging van eigen bevoegdheden over aan de EU. Nee, ook de behartiging van de Koninkrijksaangelegenheden gaat voor een groot deel naar Brussel. Onze aller Koninkrijksaangelegenheden, bijvoorbeeld de behartiging van de buitenlandse betrekkingen, waarvan wij dachten en denken dat wij die 'op voet van gelijkwaardigheid' samen in Koninkrijksverband zouden doen.**[xv]** En bij de Koninkrijksaangelegenheden moeten wij er rekening mee houden dat, los van het bepaalde in artikel 43 lid 2 van het Statuut (de waarborging van de fundamentele menselijke rechten, rechtszekerheid en deugdelijkheid van bestuur) ook de meeste overige Koninkrijksaangelegenheden zogenaamde 'containerbegrippen' zijn. Het betreft aangelegenheden, bijvoorbeeld buitenlandse betrekkingen, die betrekking hebben op een groot aantal beleidsterreinen, ook op beleidsterreinen die liggen in de lands- en eilands-sfeer. Er heeft binnen het Koninkrijk nooit een absolute scheiding bestaan tussen een Koninkrijks-sfeer waarbinnen de Koninkrijksorganen - die in essentie Nederlandse organen zijn - bevoegd zijn en een landssfeer (en eilands-sfeer) waarbinnen onze organen exclusief bevoegd zijn. Er was altijd al sprake van *permeability*. Naarmate alles wat wij op onze eilanden doen of nalaten meer en meer een internationaal karakter krijgt, groeit de dimensie van de Koninkrijksaangelegenheid 'buitenlandse betrekkingen'.**[xvi]** En

daarmee neemt dus de betrokkenheid van de Nederlandse staatsorganen (in de functie van Koninkrijksorganen) binnen onze lands- en eilands-sfeer toe, niet ondanks maar juist vanwege het Statuut. En een gedeelte van de behartiging van het 'containerbegrip' buitenlandse betrekkingen is dus nu aan de EU overgedragen. Naarmate meer bevoegdheden op het gebied van buitenlandse betrekkingen aan de Unie worden overgedragen en naarmate de dimensie van 'buitenlandse betrekkingen' toeneemt zal ook de rol van de Unie-organen binnen onze lands- en eilands-sfeer toenemen. Met de nieuwe Europese Grondwet krijgt de EU een eigen Europese Minister van Buitenlandse Zaken. Een minister die ook belast zal zijn met de medebhartiging van 'onze' buitenlandse betrekkingen, buitenlandse betrekkingen die dus betrekking hebben op diverse beleidsterreinen die wij tot onze autonome bevoegdheden rekenen.

Als de EU een boycot van Venezuela of Cuba zou afkondigen zouden wij geen vis meer uit Venezuela kunnen importeren en zouden onze ministers en gedeputeerden niet meer naar Cuba kunnen afreizen om daar zaken te doen. **[xvii]** En dit alles heeft niets te maken met de LGO-of de UPG status maar met het Statuut en met het feit dat wij deel uitmaken van een lidstaat van de Europese Unie. Anders gezegd de LGO-status vrijwaart ons dus niet van het zgn. *acquis communautaire* waar wij zo bevreesd voor zijn. **[xviii]** Ook bij de LGO-status wordt onze 'heilige' autonomie aangetast.

### *De globaliserende wereld*

Een andere verandering vergeleken met medio vorige eeuw is dat het hele wereldbeeld nu fundamenteel anders is. Wij leven niet meer in de statische bipolaire wereld met een 'oostblok' en de 'vrije wereld'.

Het 'statische' is verdwenen. Mede als gevolg van de ICT-revolutie is er nu sprake van een steeds meer globaliserende wereld met mondiale concurrentie. In deze globaliserende wereld gaat het niet meer in de eerste plaats om de volkenrechtelijke verhoudingen tussen soevereine landen. Er zijn nieuwe actoren die vaak meer economische en politieke invloed hebben op de internationale politieke processen. Het gaat nu om een krachtenspel tussen machtsblokken, individuele landen, grote transnationale ondernemingen, lobbygroepen, enz. En al deze actoren bepalen niet alleen het internationale panorama maar in de praktijk hebben zij ook intern, binnen het staatsverband, vaak meer invloed dan de constitutionele staatsorganen. In de nieuwe wereldorde is er sprake van mondiale concurrentie op alle gebieden maar zonder een '*global governance*' om de kleinere en zwakkere landen tegen de politiek- en economisch sterkere actoren te

beschermen.

### *De mythe van onafhankelijkheid*

Een gevolg van de mondiale concurrentie zonder een global governance is dat de kleinere en zwakkere landen, ook al zijn zij formeel soeverein en dus 'vrij', in de praktijk enkel als speelbal fungeren van de sterkere actoren.

In de context van de globaliserende wereld heeft de discussie over soevereiniteit en onafhankelijkheid dan ook een heel nieuwe dimensie gekregen. Het gaat anno 2005 niet meer om de op papier bestaande *formele* soevereiniteit die vrijheid zou impliceren. Het gaat om effectieve soevereiniteit; het gaat er om hoe in de praktijk, in het belang van de eigen burgers, gecompliceerde nationale en internationale politieke processen kunnen worden beïnvloed. Hoe meer grip te krijgen op die factoren en omstandigheden die van wezenlijk belang zijn voor het welzijn van de eigen burgers. En grote landen hebben ingezien dat ook zij dit niet alleen kunnen en er niet aan ontkomen om hiervoor de krachten bundelen. Dat zij een gedeelte van de 'formele soevereiniteit' moeten inleveren om in gezamenlijkheid meer 'effectieve' soevereiniteit te verkrijgen. De grote Oost-Europese landen die pas onafhankelijk zijn geworden staan te trappelen om in de EU te integreren. Zij staan dus te trappelen om afstand te kunnen doen van een gedeelte van hun pas verworven formele soevereiniteit om binnen EU-verband op internationaal niveau sterker te staan.

Het wordt tijd dat ook wij, die noch groot noch soeverein zijn, gaan inzien dat het idee van samenwerking en zelfs integratie niet in strijd is met het idee van onafhankelijkheid en vrijheid. Samenwerking en integratie zijn meer en meer juist voorwaarden om in gezamenlijkheid in de praktijk nog een beetje 'baas in eigen huis' te kunnen zijn en nog een beetje 'vrijheid' te kunnen behouden. *Freedom is just another word for nothing left to loose*, zong de Arubaan Julio Bernardo Euson. Dit is helaas het geval voor kleine en zwakke landen in de nieuwe wereldorde (zoals wij). **[xix]**

De wereldorde van een halve eeuw geleden toen wij het Statuut concipieerden bestaat niet meer. Ook onze 'autonome' lands- en eilandssfeer bestaat niet meer. Het is hoog tijd dat wij de concepten en de (dekolonisatie)retoriek van medio vorige eeuw loslaten en ons gaan baseren op de nieuwe realiteiten. **[xx]**

### *Elk nadeel heb zijn voordeel*

Veel van de percepties die wij hebben zijn op ficties gebaseerd en de oude vertrouwde realiteiten die wij zo koesteren zijn weg. Dit is allemaal lastig. Maar



gelukkig kunnen wij weer bij Johan Cruyff te rade. Die heeft al enige tijd vastgesteld: *elk nadeel heb zijn voordeel*. Met elke verandering ontstaan ook nieuwe kansen. De uitdaging voor ons is deze nieuwe kansen te identificeren en vervolgens vast te stellen hoe deze kansen met gebruikmaking van al onze *assets* en al onze creativiteit het best benut kunnen worden. En hoe wij daarbij ook optimaal gebruik kunnen maken van synergie met andere strategische partners. Want ook het feit dat wij partners hebben is een troef.

### *Onze assets*

Wij zitten op een strategische locatie. Dicht bij het vasteland van Zuid-Amerika, op een kruispunt van de routes Noord-Amerika - Latijns-Amerika, en Europa - Latijns-Amerika, en tussen Latijns-Amerika en het Caribisch gebied. Wij hebben, zeker vergeleken met de regio, een goede infrastructuur (o.m. uitstekende lucht- en zeehavenfaciliteiten en telecommunicatieverbindingen) en ook een meertalige bevolking die relatief goed opgeleid is. En onze mensen zijn traditioneel internationaal gericht en vertrouwd met buitenlandse handel en toerisme. En we hebben nog andere *assets*. Wij zijn deel van het Koninkrijk der Nederlanden en dit Koninkrijk is weer lidstaat van de EU. Beide zijn moderne 'waarden' gemeenschappen die ons rechtszekerheid en stabiliteit kunnen bieden. Essentiële voorwaarden voor een gezonde ontwikkeling op alle gebieden. En onze Koninkrijkspartner Nederland heeft een strategische ligging aan de Noordzee en aan de monding van grote rivieren. Nederland heeft deze *assets* goed gebruikt en is dan ook van oudsher een zeevarende natie met grote handelsbelangen in het buitenland. In de loop der eeuwen heeft Nederland als klein, maar modern en welvarend land internationaal een grote naam gekregen als handelsnatie met bijzondere expertise op het gebied van transport. En mede hierdoor heeft ook Schiphol zich kunnen ontwikkelen tot een belangrijke 'hub'. Nederland bezet de achtste plaats op de ranglijst van handelsnaties. De invoer en uitvoer beslaan zo'n 65 procent van het BBP. Bijna een derde van de beroepsbevolking verdient zijn brood in een handelsfunctie. En Nederland beschikt over een groot internationaal handelsnetwerk en is actief in het Caribisch gebied en Latijns-Amerika.

En wat de Europese Unie betreft, de EU is een van de grootste handelsblokken ter wereld met een markt van 450 miljoen mensen. En de EU onderhoudt handelsrelaties met de hele wereld, ook met onze regio.

Maar liggen Nederland en Europa niet te ver? Er is een *school of thought* die propageert dat de afstanden inderdaad te groot zijn en dat in de praktijk onze

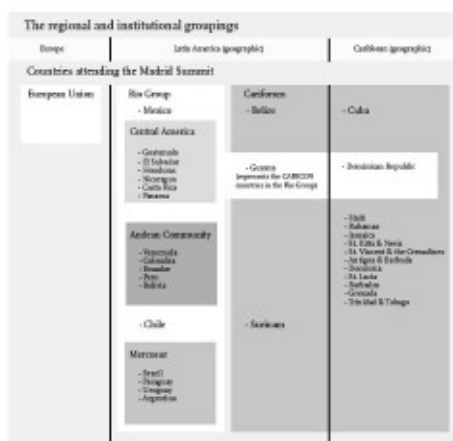
relaties met Nederland en de EU geen toegevoegde waarde hebben voor onze economische ontwikkeling. Wij zouden ons moeten concentreren op de samenwerking binnen de eigen regio. Wij zouden een beleid van open *regionalisme* moeten gaan voeren. [xxi] En binnen deze *school of thought* gaat het hier om een keuze: het is het ene of het andere. We moeten kiezen tussen regionale of voor extra-regionale relaties. Volgens mij is deze redenering om meerdere redenen niet correct. Er is geen sprake van een keuze of-of. Een van de gevolgen van de ICT-revolutie en de door deze teweeggebrachte globalisering is nu juist dat de factor afstand minder belangrijk is geworden. En regionale en extra regionale handel zijn ook geen tegengestelde activiteiten maar complementaire activiteiten.

Laten wij de EU als voorbeeld gebruiken. De EU is geografisch ver van ons gelegen maar de EU opereert ook in onze regio. In 1999 is er in Rio een proces opgestart dat fasegewijs, via tweejaarlijkse Summits, altemnerend in Europa en in onze regio te houden, moet leiden tot één overkoepelend bi-regionaal strategisch partnerschap op diverse gebieden tussen de EU, en alle landen van Latijns-Amerika en het Caribisch gebied (LAC). En onder de parasol van dit overkoepelend, biregionaal, strategisch partnerschapsverband EU-LAC is er nog de EU-samenwerking met de subregio's (MERCOSUR, Andes-Groep, CARIFORUM, etc) en afzonderlijke landen zoals Chili.

*De ontwikkelingen gaan snel. De handel tussen de EU en de Andes-groep* (waartoe Venezuela en Colombia behoren) en de MERCOSUR-landen is in de periode 1990-2000 verdubbeld en zowel de import als export bedraagt nu meer dan 50 miljard Euro. En niet de VS maar de EU is nu de grootste investeerder in zowel de Andes-groep als de MERCOSUR-landen. En de handel tussen de EU en het Caribisch Gebied is in de periode 1990-2000 bijna verdrievoudigd. Maar het gaat bij het bi-regionaal strategische partnerschap EU-LAC om meer dan economische samenwerking. Het gaat ook om samenwerking op het gebied van milieu, volksgezondheid, cultuur, strijd tegen drugs, orkaangevaar etc. Kortom er ontwikkelt zich een netwerk EU-LAC en een netwerk EU en de subregio's en landen van de LAC.

Wij zouden als onderdeel van een stabiel Koninkrijks- en Europees verband kunnen participeren in een zich ontwikkelend strategisch partnerschap, niet alleen met 26 landen in Europa, maar ook met alle landen in de regio. Wij zouden ons in het centrum van dit zich ontwikkelende netwerk moeten bevinden. Maar

dat zijn wij niet. Terwijl juist binnen dit ruime bi-regionaal EU-LAC-kader de mogelijkheid bestaat om onze strategische locatie, onze infrastructuur en al onze overige assets optimaal in te zetten. Binnen dit zich ontwikkelend EU-LAC-netwerk zouden onze instituties en instellingen, ziekenhuizen, universiteiten enz., die nu lijden onder de beperkingen van onze hele kleine schaal, nieuwe ontwikkelingsmogelijkheden moeten kunnen vinden. En dat geldt ook voor onze bevolking waarvan een groot gedeelte meer Europese talen spreekt dan de gemiddelde EU-burger in Europa.



\* Members of the Rio Group (on 01/03/2002)  
 \* Members of CARICOM (on 01/03/2002)  
 \* Jamaica: Members of CARICOM (on 01/03/2002)

Bron: [http://europa.eu.int/comm/world/lac/map\\_en.htm](http://europa.eu.int/comm/world/lac/map_en.htm)

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[http://europa.eu.int/comm/world/lac/map\\_en.htm](http://europa.eu.int/comm/world/lac/map_en.htm)

Binnen dit ruimer perspectief is er ook sprake van geheel nieuwe toekomstmogelijkheden voor onze studenten. Studenten die niet alleen een goede opleiding op EU niveau hebben genoten maar die ook de taal en cultuur van zowel Europa als de regio kennen. **[xxii]**

Het wordt tijd dat wij beseffen dat de EU en de LAC geen handelsvijanden zijn maar handelspartners en ook nog partners op veel andere terreinen. Er is dus

geen sprake van een keuze Europa (UPG) of regio (*open regionalisme*) zoals sommige voorstanders van *open regionalisme* pretenderen. Er bestaat ook de mogelijkheid van *en-en* van een *win-win* situatie zowel voor ons, Europa als de regio. En het wordt ook tijd dat wij beseffen dat het juist de grote afstand tussen ons en Nederland en Europa is die ons een toegevoegde strategische waarde geeft in de relatie met hen. De EU heeft al in 2000 de toegevoegde waarde van de UPG voor de Unie onderkend. In het verslag van de Commissie over de maatregelen ter uitvoering van artikel 299, lid 2, van 13 maart 2000 wordt vermeld:

*In dit verband dient te worden onderkend dat deze regio's de Europese Unie een mondiale dimensie geven en haar vooruitgeschoven grens vormen. Sommige van hun handicaps, zoals de grote afstand tot continentaal Europa en de fysieke en menselijke nabijheid van de ACS-landen, de MERCOSUR en andere regionale, geografische centra zijn tegelijkertijd evenwel ook troeven voor de toekomst. In het kader van de mondialisering is de Europese Unie de enige eenheid die via de ultraperifere regio's aanwezig is in het hart van de Stille Oceaan en het Caribisch gebied, alsook Zuid-Amerika. Deze regio's bestaan uit zee-oppervlakten, ze hebben een waardevolle geografisch-economische positie en bevinden zich op locaties die voor bepaalde (onderzoek)activiteiten van fundamenteel belang voor de toekomst van onze planeet zijn. De potentiële voordelen voor de Unie zijn tegen deze achtergrond ongetwijfeld zeer groot, hoewel het, vanwege hun aard, onmogelijk is ze te kwantificeren. [xxiii]*

Naarmate de UPG een betere strategische locatie hebben en beter geïntegreerd zijn in het eigen regionaal netwerk wordt hun strategische toegevoegde waarde voor de EU groter.

De integratie van de UPG in de eigen regio is dan ook een speerpunt in het UPG-regime. Dit wordt onderstreept in het nieuwe UPG-regime dat is vastgelegd in de Mededeling van de Commissie van 26 mei 2004 *'Een versterkt partnerschap voor de ultraperifere regio's'*:

*Een van de meest veelbelovende steunmogelijkheden is immers de versterking van de economische, sociale en culturele banden tussen de ultraperifere regio's en de aangrenzende gebieden. Het doel bestaat erin de ultraperifere regio's beter te integreren in hun natuurlijke sociaal-economische en culturele ruimte, door barrières weg te werken die een beperking vormen voor de handelsmogelijkheden*

*met het geografisch milieu van deze regio's, die zeer ver van het Europese vasteland maar zeer dicht bij de geografische markten van het Caribisch gebied, Amerika en Afrika en met name de ACS-landen zijn gelegen.***[xxiv]**

*In dit kader dient de handel in goederen en diensten gestimuleerd te worden, alsook het verkeer van personen op coherente wijze, waardoor het uitwisselen van ervaringen eenvoudiger gemaakt wordt. De Commissie stelt voor het actieplan voor het grote nabuurschap te richten op twee grote actiegebieden: (1) de transnationale en grensoverschrijdende samenwerking, en (2) de handel en de douanemaatregelen. Dit actieplan voor het grote nabuurschap zal bovendien gepaard moeten gaan met een bewustmaking van alle betrokken actoren, met inbegrip van de delegaties van de Commissie in derde landen, van de omvang van de uitdaging, waarmee de ultraperifere regio's en de landen in hun geografische zone worden geconfronteerd.***[xxv]**

In de *Commission Staff Working Document* van 6 augustus 2004 wordt hieraan toegevoegd:

*With regard to international or customs trade relations, the sharing of natural resources, socio-economic or environmental cooperation, communications infrastructure or the future of traditional productions in competition with their neighbours, the control over migratory flows, or cooperation to combat different types of illicit trafficking, the outermost regions are obliged to look at their development in partnership with the countries and regions near to them. The European Union is not indifferent to that obligation and many of the guidelines and measures suggested in this report reflect this need.***[xxvi]**

Binnen EU-verband zijn de mogelijkheden voor synergie met de UPG dus erkend en het nieuwe beleid is erop gericht deze mogelijkheden voor zowel de EU als de UPG optimaal te benutten. Een keuze voor de UPG-optie houdt dus niet in dat daarmee de Caribische regio's zich moeten isoleren in de eigen regio. Integendeel een beleid van de UPG gericht op hechtere samenwerking met de regio sluit naadloos aan bij het nieuwe regime voor de UPG. En de EU stelt ook de financiële middelen beschikbaar om de regionale samenwerking te bevorderen.**[xxvii]**

*De noodzaak van de 'reinvention' van het Koninkrijk*

Er is binnen de EU-UPG-relatie nu sprake van een nieuw coherent toekomstgericht beleid gebaseerd op de nieuwe realiteiten en gericht op het zoeken naar synergie tussen de EU en de UPG.

In feite is alles wat hier voren gezegd is over de samenwerking EU-UPG mutatis mutandis ook van toepassing in de relatie Nederland-Caribische rijkdelen. In deze relatie is er echter geen sprake van de creatie van nieuwe visies en ontwikkelingen; het Koninkrijk lijkt klinisch dood. Het is veelzeggend dat de Wetenschappelijke Raad voor het Regeringsbeleid (WRR) in maart 2003 een rapport heeft gepubliceerd '*Nederland handelsland*' waarin met geen woord gerept wordt over de mogelijkheid van samenwerking en synergie met de Caribische rijkdelen.

In dit rapport stelt de WRR dat de mondialisering en informatisering de positie van Nederland onder druk zet (p. 60); het Nederlandse handelsbeleid dient zich daarom rekenschap te geven van zowel de kansen als de bedreigingen hiervan voor de Nederlandse handelspositie. De kansen zijn volgens de WRR gelegen in de sterke groei van de omvang van de wereldhandel en de daling van de kosten van handeldrijven. De bedreigingen komen voort uit de toename van concurrentie van nieuwe handelslanden. Daarnaast neemt het belang van traditionele intermediairs in de handel zoals de handelshuizen af, een activiteit waarin Nederland van oudsher een vooraanstaande positie inneemt. Alleen door adequaat in te spelen op deze ontwikkelingen kan Nederland zijn relatieve positie in de wereldhandel handhaven, aldus de WRR. De WRR wijst erop dat voor een sterke internationale concurrentiepositie het niet alleen nodig is tegen een concurrerende prijs kwalitatief goede producten te vervaardigen maar dat ook de vaardigheid van het handeldrijven belangrijk is. Handeldrijven gaat, los van de productie van de goederen en diensten, namelijk gepaard met aanzienlijke kosten. Deze zogenaamde transactiekosten vloeien onder meer voort uit het vinden van een geschikte handelspartner in een ander land, het onderhandelen over en het afsluiten van een contract, het controleren van de naleving van het contract en het opleggen van sancties indien de afspraken worden geschonden. Deze transactiekosten worden voor een deel veroorzaakt door formele handelsbarrières, zoals invoertarieven, maar voor een belangrijker deel door informele barrières die het gevolg zijn van verschillen in taal en cultuur, gebrek aan kennis en voldoende vertrouwen. Jammer dat de WRR niet heeft gekeken naar de relatie tussen Nederland en de andere Koninkrijksdelen. Dit terwijl de WRR er bijvoorbeeld wel voor pleit om de voorlichtingsfunctie van en de ondersteuning door Nederlandse ambassades te versterken, ambassades die 'Koninkrijks' ambassades zijn.

Er is al opgemerkt dat Logemann al voor het Statuut tot stand kwam constateerde dat er binnen het Koninkrijk geen sprake was van 'gemeenschappelijke' belangen van de rijkdelen en dat Logemann toch een grondslag zag voor de samenwerking binnen het Koninkrijk. Volgens Logemann hield de ontkenning van het bestaan van werkelijk gemeenschappelijke belangen namelijk niet in dat het Koninkrijk geen reële samenhang zou vertonen. De 'gemeenschappelijke belangen' dienen volgens hem verstaan te worden als 'eigen belangen' van de rijkdelen die om redenen van doelmatigheid in gemeenschap worden gebracht. 'Wij zitten niet met zijn allen in een schuitje, maar we proberen met drie schuitjes in formatie te varen' aldus Logemann in 1952. **[xxviii]**

En zelfs dat hebben wij nooit geprobeerd. Wij hebben in de afgelopen halve eeuw nooit die 'eigen belangen' van de verschillende rijkdelen geïdentificeerd die wij om redenen van doelmatigheid samen zouden kunnen verzorgen. Die 'eigen' belangen dus waarbij wij elkaar zouden kunnen complementeren; waarbij synergie tussen de partners bereikt kon worden.

Die 'eigen belangen' waar Logemann het over had bestaan wel degelijk. Hetzelfde wat is opgemerkt over het strategisch belang van de UPG voor de EU geldt ook in de relatie tussen de Caribische rijkdelen en Nederland. Ook Nederland profileert zich als handelsland met handelsbelangen in LAC. Wij én Nederland hebben echter, in tegenstelling tot de EU, ons nooit verdiept in de mogelijkheden elkaar te complementeren. Wij hebben nooit geëxploreerd hoe onze samenwerking in deze globaliserende wereld in wederzijds belang kan zijn. Hoe en waar de samenwerking binnen het Koninkrijk voor alle partners een toegevoegde waarde kan hebben. Wij hebben niet zoals nu in de relatie EU-UPG gebeurt een coherente toekomstvisie met prioriteiten geformuleerd. Wij hebben dan ook nooit een koers kunnen vaststellen voor de drie schuitjes die vanaf 1954 in formatie zouden gaan varen. De drie schuitjes zaten meestal op ramkoers. Nederland vaart nu in formatie met Europa. En wij in de Caribische regio die onze vrijheid en heilige autonomie willen behouden, gaan zonder enige vaste koers verder over de woeste baren, en kijkend in de achteruitkijkspiegel. Het wordt onderhand tijd dat wij in ons eigen belang de zaken anders gaan aanpakken.

### *De 'reinvention' van het Koninkrijk*

Niets weerhoudt ons ervan om van ons klinisch dode Koninkrijk een springlevende strategische alliantie te maken. Een strategische alliantie die ons sterker en dus in de praktijk vrijer maakt en waarmee wij de grote uitdagingen

van de 21e eeuw met meer vertrouwen tegemoet kunnen treden. Niets weerhoudt ons van het Koninkrijk te *reinventen*.

In wezen is het een simpele zaak. Voor de *reinvention* van het Koninkrijk hebben wij geen juristen nodig en er is geen wijziging van het Statuut van 1954 vereist. Een Statuut dat ons overigens nooit in de weg heeft gestaan. En dat beseffen wij eigenlijk ook wel want zelfs degenen die het anti-kolonialistische jargon hanteren willen het Statuut niet veranderen.

Wat ons wel in de weg heeft gestaan, en nog steeds staat, is dat wij moeite hebben om de realiteiten onder ogen te zien. Wij koesteren onze ficties. Ons probleem zit niet in de juridische bepalingen van het Statuut, het zit tussen de oren. Wat wij nodig hebben is een omslag. Wij moeten gaan inzien dat het in ons eigen belang is dat de oude denkpatronen gewijzigd worden, dat het in ons eigen belang is als het wantrouwen opzij wordt gezet. Dat het in ons eigen belang is dat wij het Koninkrijk niet tot een strijdarena reduceren.

Het wordt tijd dat wij beseffen dat het Koninkrijk een strategisch partnerschap kan zijn waarbinnen synergie ontwikkeld kan worden waar alle rijkdelen de vruchten van kunnen plukken. Net als bij de nieuwe relatie tussen de UPG en de EU. Het Koninkrijk kan een partnerschap zijn waarin wij onze creativiteit en denkkraft kunnen ontplooiën. En als wij dat doen dan kunnen wij ook samen een nieuw, coherent toekomstperspectief voor de samenwerking binnen het Koninkrijk gaan formuleren. En dat dan kunnen wij eindelijk na een halve eeuw in ons aller belang in formatie gaan varen.

En wat onze toekomstige relatie met de EU betreft. Ook daar moeten wij afstand nemen van de percepties. Een keuze voor de UPG is niet een keuze tegen de regio. Integendeel. De EU stelt zelfs fondsen beschikbaar om de regionale samenwerking van de UPG te stimuleren. En de UPG-status ontnemt ons niet onze heilige autonomie. Nee, de UPG status geeft ons meer *effectieve* autonomie. De grote landen die zelfs veel verder gaan dan de UPG-status - met al zijn uitzonderingen - en helemaal willen integreren binnen de EU, doen dat niet omdat zij zo graag hun autonomie willen kwijtraken maar omdat zij meer *effectieve* soevereiniteit willen verkrijgen. Zij willen geen speelbal zijn. En in de relatie met Nederland geeft de UPG-status ons meer zelfstandigheid dan wij nu hebben. **[xxix]**



Te denken dat wij de UPG-status niet aankunnen, te denken dat de hoge Europese kwaliteitsnormen op alle gebieden (de Europese *quality of life*) inclusief de *benchmarks* voor de toekomst (ook bijvoorbeeld op milieugebied) voor ons te hoog gegrepen zijn getuigt niet alleen van een gebrek aan ambitie van onze kant maar is ook een belediging voor Nederland. Frankrijk, Spanje en Portugal vinden wel dat hun ultra perifere gebieden aan de hoge Europese kwaliteitsnormen moeten kunnen voldoen. En we hoeven geen slapeloze nachten te hebben vanwege het gevaar dat het als UPG tot de Unie toetreden ons de nek gaat breken. Tot nu toe is geen enkele UPG bij de invoering van het Europese *acquis communautaire* financieel economisch achteruitgegaan. En ook in de toekomst zal dat nooit gebeuren. **[xxx]** Het komt uiteindelijk neer op de ambitie die wij hebben. We mogen wel klein zijn maar dat betekent niet dat onze ambities niet groots kunnen zijn. Ook al zijn wij klein, met creativiteit en een weldoordachte aanpak kunnen wij ook in het grote EU-verband wel degelijk iets bereiken. **[xxxi]**

Tenslotte dit. Als wij kiezen voor een volwassen UPG-relatie met de EU zullen wij ontdekken dat wij daarmee ook hebben voorzien in de voornaamste lacunes in ons Koninkrijksbestel. Namelijk het gebrek aan een effectief mechanisme om de grote economische en sociale discrepantie effectief te bestrijden. En we hebben ook een effectief financieel-economisch en sociaal vangnet gecreëerd. Iets wat wij nu wij nu in Koninkrijksverband niet hebben. **[xxxii]** In tegenstelling tot het Koninkrijksverband kent het EU-verband namelijk wel een cohesiebeginsel en op grond daarvan een effectief mechanisme en structuurfondsen om de economische en sociale cohesie binnen de hele Europese Unie te bevorderen.

Zouden de Caribische rijkdelen de status van UPG verkrijgen dan kunnen ook zij aanspraken doen gelden op het cohesiebeleid van de EU. Zodat hun EU-burgers niet meer naar Europa hoeven te emigreren voor een *quality of life* op Europees niveau. En hier is natuurlijk ook sprake van een Nederlands belang. Want als er geen migratiestroom richting Nederland meer is hoeven Nederlandse politici zich ook niet meer bezig te houden met onzinnige toelatingsregelingen.

## NOTEN

**i.** LAT, living apart together

**ii.** Wij koesteren deze Preambule van het Statuut. Van Helsdingen die, in het Nederlandse kamp, bij de Statuuts onderhandelingen betrokken was schrijft op pagina 189 van zijn standaardwerk Het Statuut voor het Koninkrijk der Nederlanden (1957) 'De volgende bladzijden (tot 249) kunnen gerust worden

overgeslagen door ieder, die zich zou ergeren aan volstrekt overbodige, nutteloze, onvruchtbare, tijdrovende en ernstig vertraging-veroorzakende debatten, ook al zijn deze uiterst beknopt weergegeven. Waarom het nodig is en vele tientallen artikelen, omvattende regeling van de nieuwe verhouding te doen voorafgaan door één compacte, ingewikkelde zin, waaruit en uitgangspunt en doelstelling zou moeten worden gelezen, heeft nooit iemand kunnen duidelijk maken. Wie op die onzalige gedachte is gekomen is niet meer na te gaan (...).’ De Preambule is overigens vooral voor ons onzalig gebleken omdat wij al generatie lang geloven dat wat in het Preambule staat overeenkomt met de juridische inhoud van het Statuut.

**iii.** Logemann, NJB 1952: p. 308.

**iv.** Logemann komt tot een eigen definitie van de ‘gemeenschappelijke belangen’. Ik kom hier later op terug.

**v.** Dit blijkt een voor de Wereldomroep georganiseerde opiniepeiling in het kader van de herdenking van 50 jaar Statuut: 55% wil het Statuut opheffen (Amigoe 9 november 2004).

**vi.** Het heeft ondergetekende en anderen uit Aruba veel moeite gekost om Nederlandse politici van te overtuigen dat wij in de Europese Grondwet een optie zouden moeten krijgen om eventueel te kunnen kiezen voor het zich ontwikkelende regime voor de UPG. Het was geen Nederlandse list het was onze list.

**vii.** Logemann, ‘The Constitutional Status of the Netherlands Caribbean Territories.’ Developments towards Self-Government in the Caribbean. Den Haag: Uitgeverij W.van Hoeve, 1954, p. 60.

**viii.** Voor een bespreking van de interne koninkrijksverhoudingen en de percepties daarover moge ik verwijzen naar een binnenkort te verschijnen preadvies voor TAR Justicia.

**ix.** Een groot aantal leden kon niet overtuigd worden. Zij onthielden zich van stemmen of stemden tegen.

**x.** Van Helsdingen, Het Statuut p. 164. De VN zal ongetwijfeld vreemd opkijken als wij nu een halve eeuw later komen klagen over het feit dat wij door Nederland gekoloniseerd worden. En dat wij alles willen behalve onafhankelijkheid.

**xi.** Waarbij wij ook nog vergeten dat het, bij gebreke aan een Constitutioneel Hof, Nederland is die uiteindelijk beslist over de interpretatie van de Statutaire bepalingen. Bepalingen die wij dus samen zijn overeengekomen.

**xii.** De LGO relatie is gegrondvest op Deel IV van het EEG-Verdrag, dat is ondertekend in 1957.

**xiii.** Het regime voor de zgn. ultraperife gebieden heeft een verdragsrechtelijke grondslag gekregen bij het Verdrag van Amsterdam, dat in werking is getreden in mei 1999. Artikel 299 lid 2 van het EG-Verdrag luidt: De bepalingen van dit Verdrag zijn van toepassing op de Franse overzeese departementen, de Azoren, Madeira en de Canarische eilanden. Gezien de structurele economische en sociale situatie van de Franse overzeese departementen, de Azoren, Madeira en de Canarische Eilanden, die wordt bemoeilijkt door de grote afstand, het insulaire karakter, de kleine oppervlakte, een moeilijk reliëf en klimaat en de economische afhankelijkheid van enkele producten, welke factoren door hun blijvende en cumulatieve karakter de ontwikkeling van deze gebieden ernstig schaden, neemt de Raad evenwel met gekwalificeerde meerderheid van stemmen op voorstel van de Commissie en na raadpleging van het Europees Parlement specifieke maatregelen aan die er met name op gericht zijn de voorwaarden voor de toepassing van dit Verdrag, met inbegrip van gemeenschappelijk beleid, op deze gebieden vast te stellen. Bij de aanneming van de in de tweede alinea bedoelde maatregelen houdt de Raad rekening met zaken als het douane- en handelsbeleid, het fiscaal beleid, vrijhandelszones, het landbouw- en visserijbeleid, voorwaarden voor het aanbod van grondstoffen en essentiële consumptiegoederen, staatssteun en de voorwaarden voor toegang tot de structuurfondsen en tot horizontale Gemeenschapsprogramma's. Sinds 1999 zijn de Unie-organen met de UPG moederlanden en de UPG zelf, bezig geweest met de formulering van een coherente strategie voor de toekomst. Deze strategie ter uitvoering van artikel 299 lid 2 is uiteindelijk vastgelegd in het document Een versterkt partnerschap voor de ultraperifere regio's, dat is gepubliceerd op 26 mei 2004, COM(2004)343. Een Annex bij dit document met een uitgebreide analyse en de vooruitzichten van het regime voor de ultraperifere gebieden is gepubliceerd op 6 augustus SEC(2004)1030.

**xiv.** En helaas had de Commissie-Van Beuge (Banden met Brussel, 2004) dit niet door. De Raad van State (Verdieping of geleidelijk uiteengaan? De relaties binnen het Koninkrijk en met de Europese Unie, 2004) natuurlijk wel.

**xv.** In een binnenkort te publiceren preadvies voor de Antilliaanse Juristenvereniging ga ik nader in op de structuur van het Koninkrijk.

**xvi.** 16 Voorbeelden: behandeling van de gevangenen (Antifolterings-verdrag), milieuaangelegenheden (Cites-verdrag), arbeidsomstandigheden (ILO-verdrag) enz.

**xvii.** En wij hebben nu part noch deel aan de Europese besluitvorming. Terecht stellen de Arubaanse Statenleden Eman en Sevinger in hun geding bij de Raad

van State dat het Europees parlement ook voor Aruba als wetgevende macht fungeert en dat zij als Arubaanse EU-burgers ten onrechte door Nederlandse wetgeving uitgesloten zijn van het kiesrecht voor dit parlement. Inmiddels heeft de Raad van State een serie prejudiciële vragen geformuleerd voor het Europees Hof in Luxemburg. De heren Eman en Sevinger hebben overigens ook geëist om te participeren in het referendum over de Europese Grondwet. Het is natuurlijk merkwaardig dat een Nederlandse EU-burger die al 50 jaar in Patagonië woont het kiesrecht voor het Europees parlement bezit en de Nederlandse (Arubaanse) EU-burger die in een deel van de EU-lidstaat het Koninkrijk der Nederlanden woont, en die wel wordt geconfronteerd met het Europees *acquis communautaire*, niet.

**xviii.** Het *acquis communautaire* omvat al de verworvenheden van de EU (Zie Glossarium

<http://europa.eu.int/scadplus/leg/nl/cig/g4000a.htm>).

**xix.** De grote discrepantie tussen 'formele' en de 'effectieve' soevereiniteit wordt in het Caribische gebied op zeer schrijnende wijze geïllustreerd. Het eiland dat, na hevige strijd, als eerste in ons gebied de formele soevereiniteit en dus de vrijheid verkreeg was Haïti. De democratisch gekozen president van dit volkenrechtelijk soeverein en 'vrij' eiland, een land dat lid is van de CARICOM, is vorig jaar opgepakt en ergens in Afrika gedropt. De rest van de wereld keek de ander kant uit en de (ook zwakke) CARICOM kon niets doen.

**xx.** Uit de perikelen rond de Isla-raffinaderij is wel duidelijk geworden dat Curaçao gemangeld wordt tussen Venezuela (olie-raffinaderij) en de VS (FOL-basis). Hetzelfde geldt voor de luchtvaartperikelen rond KLM, Dutch Exel enz. Curaçao is het lijdend voorwerp. Curaçao heeft in de praktijk geen vrijheid om autonome beslissingen op deze voor haar essentiële economische gebieden te nemen maar is afhankelijk van derden.

**xxi.** Op zich lijkt 'open regionalisme' iets nieuws maar dat is niet zo. Onze voormalige rijksgenoot en LGO-partner Suriname doet al 30 jaar aan 'open regionalisme' en moet daar nog de vruchten van plukken.

**xxii.** Onze voornaamste assets zijn m.i. de z.g.n. human resources. Aruba, met minder dan 100.000 inwoners, stuurt nu al 20 jaar (los van de studenten die aan de Universiteit van Aruba studeren) jaarlijks tussen de drie tot vier honderd studenten naar het buitenland (de meeste naar Nederland en de V.S.) voor het volgen van hoger beroeps- en academisch onderwijs. Deze studenten kunnen alleen maar passend werken als Aruba gaat functioneren binnen een veel groter netwerk. Alleen zo kunnen wij als gemeenschap deze grote investering rendabel

maken.

**xxiii.** Verslag van de Commissie over de maatregelen ter uitvoering van artikel 299, lid 2; COM (2000) 147 definitief. p. 33.

**xxiv.** Partnerschapsovereenkomst tussen de leden van de groep van landen in Afrika, het Caribisch gebied en de Stille Oceaan, enerzijds en de Europese Gemeenschap en haar lidstaten, anderzijds, ondertekend te Cotonou op 23 juni 2000 (PB L 317 van 15.12.200) Tot de ACS-landen behoort een grote groep onafhankelijke Caribische eilanden die samen optreden in CARIFORUM-verband.

**xxv.** Mededeling van de Commissie van 26 mei 2004 COM (2004) 343 definitief. p. 8.

**xxvi.** SEC(2004) 1030. p. 11

**xxvii.** 27 In het kader van het programma Interreg 3B worden fondsen beschikbaar gesteld voor de Caribische UPG.

**xxviii.** Logemann, NJB 1952, p. 308

**xxix.** Als UPG kun je directe aanspraken doen gelden op de EU-regioprogramma's enz. Wij zullen dus voortaan niet meer voor alles naar Den Haag moeten afreizen.

**xxx.** Al zouden wij in een suicidale bui kiezen om UPG te worden om zo onze nek te breken dan zou dit ons niet lukken. We moeten niet vergeten dat het enige dat wij kunnen is een verzoek indienen om UPG te worden. Dit verzoek zal door alle lidstaten van de EU worden geëvalueerd. En de bottom line is dat pas als al deze lidstaten van overtuigd zijn dat de UPG-status voor ons geen financieel economische achteruitgang betekent zij akkoord zullen gaan met ons verzoek. Zij zullen ons niet als UPG toelaten als zij vrezen dat wij daar armer van zouden worden en dus meer en meer juridische aanspraken op de structuurfondsen kunnen doen gelden. En ter geruststelling: volgens de nieuwe voorstellen van de Europese Commissie zullen ook in de periode 2007-2013 de UPG in aanmerking kunnen komen voor financiering uit de structuurfondsen. Dus ook voor de huidige zgn. Doelstelling 1 Structuurfondsen (in het nieuwe voorstel 'Convergentiedoelstelling' genaamd). En dat zelfs als we een BBP per capita zouden hebben dat hoger dan 75% van het Uniegemiddelde ligt (wat wij bij lange na niet hebben). Ook hier had de Commissie van Beuge het dus mis. Zie voorstel van de Commissie van 14 juli 2004; COM(2004)492 def.

**xxxi.** Zo is het in minder dan twee jaar tijd een handjevol mensen uit Aruba (nota bene uit de oppositie) gelukt om de ontwerp-grondwet van de Europese Unie van 450 miljoen mensen te (laten) veranderen. De Caribische rijkdelen zullen als de nieuwe Europese grondwet in werking is getreden zonder verdragswijziging hun huidige status van LGO kunnen wijzigen. En Frankrijk en Denemarken hebben

zich hierbij aangesloten en hebben hetzelfde bedongen voor hun LGO.

**xxxii.** We moeten niet vergeten hoe kwetsbaar wij zijn. Onze kwetsbaarheid uitgedrukt in de Vulnerability Index van kleine (ei)landen is extreem hoog. Als vorig jaar orkaan David, een categorie IV orkaan, niet op het laatste moment naar het noorden was afgeweken zouden wij met een grote ramp geconfronteerd zijn. Het moderne vliegveld op Aruba bijvoorbeeld is niet bestand tegen een Categorie I orkaan. Aruba zou ook een grote klap hebben gekregen als inderdaad op het hoogtepunt van de SARS-crisis daar een geval van SARS was ontdekt (zoals door een Nederlandse TV-zender bekendgemaakt). En we hebben gezien wat het faillissement van een klein Nederlands luchtvaartbedrijf voor grote consequenties voor alle Benedenwindse Eilanden heeft.

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