

Commissioner Johnson sees a bright future for Saba

Saba's Commissioner of Constitutional Affairs Chris Johnson is positive that the new status for Saba as a 'public entity' (*openbaar lichaam*) of the Netherlands will bring good things for the smallest island of the Netherlands Antilles. "Saba's future is very bright."



Chris Johnson

Being part of one of the ten richest countries in the world, instead of the Netherlands Antilles, gives the people of Saba unlimited potential, enabling Saba to make use of the possibilities that the Netherlands has. "The future is especially bright for the young people that are willing to work hard, offer their services to their island," said Mr. Johnson. Saba is already in a much better financial situation than it has been in many years. That is mainly because of the assistance that this 13km² island has been receiving from the Netherlands. The Hague paid off Saba's medical debt of Naf. 3 million. This created much needed room on the island budget. Saba has an approved Naf. 2.5 million budget deficit for 2008. Also there are the quick wins and other projects as part of the cooperation programme with the Netherlands. Mr. Johnson foresees a great

spin-off effect of the Naf. 13 million that will be invested in projects as part of the Social Economic Initiative (SEI).

Having the Netherlands take care of certain items in the budget, like health care and education (the two biggest financial posts), Saba will be in 'great shape' to balance the budget. "We expect something to happen on December 15, 2008. If

Holland by then doesn't assume certain responsibilities, the BES will have financial problems," he said.

The date of December 15, 2008, the set target date in the agreements with the Netherlands to dismantle the Netherlands Antilles, doesn't have much meaning to Johnson and his colleague, Commissioner Bruce Zagers. "The main thing is that the new situation has to function well for the people. We don't need December 15 as a booster for our ego. What we need to have is the possibility to provide services. We need a functioning government to take care of the people," he said. Much of the formal work in the form of agreements and documents has already

been done. Saba, together with the two other BES islands, Bonaire and St. Eustatius, are working out the details with the Netherlands. Most departments from the Netherlands have already visited the BES islands.

Acceptable vs. Equal

Saba prefers using the word 'acceptable' rather than 'equal' in its negotiations with the Netherlands. Saba in general feels the term acceptable is much more adequate. "It gives us the freedom to grow and adapt," said Commissioner Chris Johnson. Implemented policies might take a while to bring about results in a larger country like the Netherlands, but on a small island like Saba, the economic impact is felt immediately.

Implementing a minimum wage and social welfare on the level of the Netherlands would, in his opinion, have a detrimental effect. The islands would not be able to carry a high minimum wage and costly social welfare. Social welfare/unemployment benefits on the level of the Netherlands would also attract people 'from all over who would not contribute to society.'

Statia prepares for closer ties with the Netherlands

St. Eustatius is preparing for its new status as a 'public entity' (*openbaar lichaam*) of the Netherlands. Chairman of the Constitutional Committee Ralph Berkel is positive about the future.

Berkel and the four other committee members, Monique James-Brown, Louis Brown, Eric Henriquez and Ingrid Whitfield, have been actively involved in the preparations for constitutional change. The committee closely works with the members of the Island Council, joined in the Domestic Committee. Nora Sneek-Gibbs regularly attends the meetings as she is a member of the Preparatory Round Table Conference Committee, also known as the V-RTC.

The Constitutional Committee does not determine the policy. That is done by the politicians, the Island Council, clarified Berkel. "They indicate, decide, we give advice." One of the committee's initial tasks was to prepare the consultative referendum of April 2005. The majority of the people at that time chose to be part of a restructured Netherlands Antilles.

Fate had it otherwise: St. Eustatius, it was agreed at the November 2005 start-RTC, together with Bonaire and Saba would work on closer ties with the Netherlands. The committee for Direct Ties with the Netherlands (*Direkte Banden Nederland*) DBN was established. Berkel and Sneek-Gibbs, both former state secretaries in the Central Government, were appointed members on this committee.

"We are now on a road where there is no turning back," said Berkel. There have been many meetings and much progress. "We know very well where we are heading. This is the best thing for the people. After all you do it for them." The new structure will guarantee proper governance and more stability, said Berkel. "More and better (social) services become within reach."

Over time, during the many meetings with the Netherlands it became clear that the BES would be better off under the wings of the mother country. "There has to be a structure above you," said Berkel, aiming at the scale of the three smaller islands.



Ralph Berkel

"During the BES-week in the Netherlands in January 2008, we spoke about what the Dutch ministries can do for us and what we can do ourselves." Delegations of Dutch ministries have visited the BES in the past months. The third BES-week takes place mid-June. The law governing the BES as a public entity is ready in draft. "We have the impression that we can get out by December 2008. But we will have to deal with the dismantling. We can get out pending the wrapping up of the dismantling," said Berkel. Evaluation of the new status of the BES should take place after five years.



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What is POLNA?

POLNA is the Dutch abbreviation of the 'Project Organisatie Ontmanteling Land Nederlandse Antillen', translated as the Project Organisation Dismantling of the Country the Netherlands Antilles.

This entity was established by the Council of Ministers in October 2007 to support the Ministerial Committee Constitutional Reform in the dismantling process and to prepare the actual elimination of the Netherlands Antilles. The Ministerial Committee is politically responsible.

POLNA succeeds the former dismantling committee COLNA. POLNA consists of several 'sub-groups': the Core Group, the secretariat, the Guiding Committee, five expert groups and eight ministerial work groups. The Core Group (*Kerngroep*) is responsible for a good coordination between the Central Government, the island territories and Aruba in the process of dismantling the Netherlands Antilles, as well as realising the new statuses of the island territories. Communication with all the target groups is an important aspect. Geomaly Martes, Director of the Foundation Government Accountant's Bureau (*Stichting Overheid Accountant's Bureau*) SOAB chairs the Core Group.

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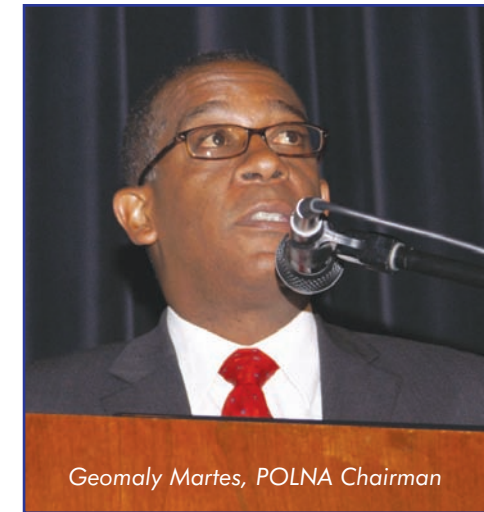
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Geomaly Martes, POLNA Chairman

The Guiding Group (*Begeleidingscommissie*) makes sure the Core Group carries out its tasks in an objective and uniform manner. The committee consists of representatives from the island territories, to which are added representatives from government labour unions and the civil servants mediating organisation ARBO Consult in case it concerns the position of civil servants and the Central Government organisation.

Expert groups are also assisting in the process. There are several expert groups in the area of finances, personnel, division of assets and liabilities, legal aspects and archives. All have drawn up work documents to prepare the transfer of tasks and responsibilities. The expert groups have to present proposals and report periodically to the Core Group.

The Ministerial Workgroups represent different ministries. They are: General and Foreign Affairs, Constitutional and Interior Affairs, Finance, Justice, Economic and Labour Affairs, Education and Culture, Public Health and Social Development, and Traffic and Transport. They too periodically report to the Core Group. The Ministerial Workgroups have made inventories and drew up transfer documents.

THE MEMBERS

The Core Group: Director of the Foundation Government Accountant's Bureau SOAB Mr. Geomaly Martes (Chairman), Director of the Directorate of Administrative and Constitutional Affairs Mr. Armin Konket (Vice-chairman). Members are Mr. José Jardim, Acting Director of the Directorate of Finance; Mrs. Dinaida Bazoer, Acting Director of the Directorate of Personnel Affairs; and Mr. Norwin Carolus, Director of the Directorate of Legal Affairs. The secretariat consists of Ms. Ivy Lo Tam Soen and Ms. Doheny Roosberg, and is supported by SOAB.

The chairpersons of the different expert groups are: Director National Archive, Mrs. Nolda Kenepa-Römer (Archives), Legal expert at the Department of Legal Affairs Mrs. Suzanne Koelman (Legal Aspects), Director Personnel Affairs, Organisation and ICT Mrs. Dinaida Bazoer (Personnel), Mr. Eugene Martis of the Directorate of Finance (Finance) and Central Bank Director Mr. Alberto Romero (Division of Assets and Liabilities).

Chairpersons of the Ministerial Workgroups: Mr. F. van Beetz (General Affairs), Mr. H. Martis (Home Affairs), Mrs. G. Jesus-de Karel (Public Health), Mrs. J. NG (Educations), Mrs. L. Melfor (Finance), Mr. F. Vierbergen (Economic Affairs), Mr. R. Antonius (Justice), Mr. T. Smith (Traffic and Transport).

Partners discuss target date

The Political Steering Group Constitutional Affairs, comprising of the different partners in the Dutch Kingdom, came together on Curaçao Thursday, May 22. On the agenda was, among others, the target date for the dismantling of the Netherlands Antilles and the start of the new entities.

A mixed committee of advisors, the so-called 'Regiegroep', earlier in the month completed its research as to whether the target date of December 15, 2008 was still feasible.

Dismantling the archives is a complicated process

Archives are an essential part of every country. That is why the governments are meticulously handling the national archives in the process of dismantling the Netherlands Antilles. The Expert Group Archives recently presented its plan "Dismantling and Constructing Archives" (Ontmanteling en Opbouw Archieven).

The Expert Group, a mixed committee with representatives from the Central Government and the Island Territories, was installed in October 2007. Its main task was to come up with a plan how to go about the archives in the dismantling process. Expert advice from the Netherlands and Aruba was sought. Archives are and will remain important after the Netherlands Antilles ceases to exist. Archives support governments and serve the general public. Records are necessary for verification and control. Archives play a role in culture participation and information, in documentation of history and in nation building.

The Netherlands Antilles and the island territories have an immense backlog where it comes to the archives: some 40 kilometres of unselected records. Many more documents are stacked on desks, and thus not archived. Selection of records has only taken place at a few (federal) entities. The proposal of the Expert Group is to select in five years time the federal and island archives in a specific processing area on each island. Goal is to reduce the 40km to 4km, meaning ten per cent of the records with a permanent, historical value. This 4km archive would consist of selected records which then become accessible, also for the public. The remaining 90 per cent has to be destroyed through a careful procedure. Cooperation with the Netherlands

and Aruba is advised, since these two countries were also partly responsible for forming the archive.

The 40km backlog is only one of the problems. The general concerns throughout the Antilles are: the lack of adequate legislation on the islands, insufficient expertise and manpower, poor facilities to properly store records.

The Expert Group looked at: the closure of the archives and instructions for the transition period, establishment of national archives or depositories, selection and transfer to the depositories, equipping a new automated system of registration and information management, and digitalising of shared memory. The Expert Group made an analysis of the dilemmas in each area.

The new entities will start to form their own archives when the Netherlands Antilles cease to exist. The current archives of the 'old' entities will have to be formally closed off. That includes the archives of the Netherlands Antilles and the five island territories.

In principle all archives (federal and island) that originated on an island territory, will remain on that island or be returned there to be selected and kept in a designated area. Information from the archives needs to remain accessible for the public.

The Expert Group

advised for Curaçao and St. Maarten to establish their own National Archive. Bonaire and Saba, for now, would keep their archives on Curaçao, with the option of setting up their own depository in the future.

St. Eustatius has opted to keep its archives on St. Maarten with the option to set up their own public archives in due time. In the case of personnel dossiers, the Expert Group is advising to close off these dossiers and transfer these to the new entity where the civil servant in question will work.

Transfer of personnel dossiers will take place after the signing of a protocol in which a list of personnel will be taken up. This list, which contains the basic details of each civil servant, stays in the original archive where the document was originally formed.

The Expert Group offered to help the new entities to set up their archives including a modern registration and information system. Proper attention needs to be given to the digitalising and accessibility of shared memory.



The National Archive building on Curaçao

St. Maarten gets ready for country status

St. Maarten is about ready for the implementation of a new status as Country within the Kingdom of the Netherlands. But according to Project Director Dennis Richardson of the Bureau for Constitutional Affairs (BCA) the island needs a definite date for the new status. A definite date is important for St. Maarten so it can work efficiently and effectively towards the actual implementation and transfer of tasks to the new entity. Richardson gives an update on the process.

The document defining the principles and points of departure for the organisational structure for the government of Country St. Maarten was presented to the Island Council and unanimously approved in a meeting of May 6, 2008. Further details, including proposals on setting up the seven ministries that Country St. Maarten would have, have been worked out. The 'blueprint' for Country St. Maarten is going to the Executive Council shortly for approval. This blueprint, which goes to the Island Council afterwards, includes the organisational structure, the subdivision in departments and sectors and the formation plan. Setting up an entire new government structure is a complicated affair and has been taking some two years to prepare, Richardson explained.

The job evaluation of the new functions for the government of Country St. Maarten has started. The assignment to carry out this particular task has already been given. There will be about 300 new government functions in Country St. Maarten. This process still has to be completed.

Active recruitment to fill (critical) vacancies has started. This is done, among others, through the Passaat Recruitment Days in the Netherlands which took place May 17-18.

The migration of personnel to the new organisation depends on the actual implementation of the new status. "That is the last step," said Richardson. Establishing a Social Charter, regulating the rights and responsibilities of civil servants, is part of the process to transfer personnel to Country St. Maarten. Government organised a successful first round of informative sessions for civil servants on February 21 and 22 this year. Presentations were given on the seven ministries that are being set up. Civil servants working for both the Island Territory and the Central Government, including members of the Police Force Windward Islands, Customs and the prison, were invited to the sessions. The draft Constitution for the Country St. Maarten is at the Permanent Committee for Constitutional Affairs (PCCA) for discussion, and so are the organic laws. Seventeen organic laws need to go to the Preparatory Round Table Conference V-RTC committee for review. Forty laws in total are ready in draft form.

The organic laws deal with essential parts of a country, like the General Audit Chamber (Algemene Rekenkamer), Advisory Council (Raad van Advies) and the Ombudsman. Some progress has been made with



Commissioner of Constitutional Affairs Sarah Wescot-Williams and Lt. Governor Franklyn Richards

Kingdom consensus laws (consensus rijkswetten) in the area of justice and financial supervision. The Kingdom consensus law regulating the Court of Justice is almost ready for decision taking in the Kingdom Council of Ministers. The consensus General Kingdom Measure (Algemene Maatregel van Rijksbestuur) on financial supervision will, hopefully, be agreed upon on political level shortly. The discussions on the consensus law on the Public Prosecutor's Office are in their final stages on a technical level. Two other Kingdom consensus law regulating police and financial supervision after the new status goes into effect, are not ready yet, neither on a technical or political level.

To give an indication of the operational and other costs of the Country St. Maarten in the coming years, the Island Territory drew up a Multi-Annual Budget, covering the period 2008-2012.

Phase Two Dismantling

As was mentioned in the first newsletter of the Project Organisation Dismantling of the Country the Netherlands Antilles (POLNA) last month, the process of dismantling is divided in phases. Activities currently taking place are part of the second phase, the phase of inventory.

An inventory is being made in the areas of

personnel, financial responsibilities and legal aspects. The individual Ministers have made an inventory of the tasks, jurisdiction, responsibilities, treaties, contracts, properties and other issues dealing with their respective ministries. This information has been compiled in transfer documents. Each ministry has such a transfer document. These have been sent to the five island territories and the Netherlands.

Several meetings have already taken place with the individual island territories to discuss the transfer documents. Three ministries, Education and Traffic & Transport and Economic Affairs & Labour were discussed during bi-lateral talks between St. Maarten and the Central Government on St. Maarten in February this year. Information exchanged during these sessions was deemed useful and will be taken along in the process to build

Country St. Maarten. The transfer documents of the other ministries still have to be discussed with St. Maarten. Sessions to discuss the transfer documents with Bonaire, Saba and St. Eustatius, the BES islands and the Netherlands, took place in the week of April 14. The Dutch ministries will use these documents in the process of taking over federal tasks on the three islands. Talks with the Island Territory

Curaçao were moved until after May 19th. The next step is drawing up proposals for the politicians in charge. The transfer documents contain points of attention per ministry concerning the dismantling. The politicians of the islands, and the Netherlands for the BES islands, have to take decisions on some issues. The central final exams are one such issue. The exams for the school year 2009 have already started and the production

scheme always starts in the year previous to the new school year. Decided has to be whether or not the central final exams of Curaçao. St. Maarten and the BES islands will be developed by the Exam Bureau (ETE). Other issues that need to be discussed relate to tasks like the inspection of medication, the inspection of aviation, meteorological services. Discussions are planned for late June.