

Info Bulletin

Dismantling the Netherlands Antilles

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Decisions needed to proceed



Part of the Central Government at the September 30th Political Consultation.

The mixed committee that was to give advice on a phased dismantling of the Country the Netherlands Antilles had its proposal ready prior to the September 30 Political Consultation. No decisions were taken during that meeting in Curaçao and it was decided to have another meeting on October 24. The intention is to start with the phased transfer of federal tasks to the islands in January 2009.

The task of the mixed committee was to give advice on how to give content to a speedy transfer of tasks to the islands, explained Chairman Mr. Geomaly Martes. The mixed committee consists of members of the Core Group of the Project Organisation Dismantling the Country the Netherlands Antilles POLNA plus three advisors of the Central Government, two representatives of each island territory and two from the Dutch Government. The committee started in July 2008 and had four meetings and one video conference session in August and September. The advice was ready on September 23.

The committee waited on the advice by the Council of State of the Dutch Kingdom on a phased dismantling.

The committee's proposal included four major decision points. The first concerned the conditions to transfer the federal tasks to the islands. The conditions touched on the ears of personnel, legal and financial affairs. The second major decision point concerned the transfer of tasks, in which period and which order these should be transferred.

The third major decision point concerned the foundations, organisations, funds and special groups that are outside the federal ordinance organisation Central Government (Landsverordening Organisatie Landsverordening LOL). These include the Coast Guard, the Social Insurance Bank SVB, the General Pension Fund APNA, the Central Bank, the clergy, the Antillean Militia and navy personnel. The last decision point has to do with personnel. The points of departure as were agreed upon in December 2007 will remain valid with civil

servants being transferred to the islands for the time being until Curaçao and St. Maarten have become a country and Bonaire, Saba and St. Eustatius (the BES islands) part of the Netherlands.

Mr. Martes said it was important to take decisions if parties want to execute the May 22 decision by the Political Steering Group. At that time parties agreed to speed up the process and to complete the transfer of tasks and duties to the islands before January 2010. "The proposals are there. Now we have to take decisions so we can implement in 2009," he said.

Dismantling is a complex trajectory which needs the cooperation of all to succeed. "We have to do it together. We need each other to transfer the tasks," said Mr. Martes, stressing on the importance of agreement on political level. He anticipated that the next few months would be very challenging.

Progress at Political Consultation

The Central Government, the Dutch Government, Curaçao and St. Maarten set another important step in the process of new constitutional relations in the Kingdom when they reached an accord on October 1 on financial supervision, the police forces and the Supervisory Council for the Administration of Justice.

Curaçao and St. Maarten will get their own police force when they become country in the Kingdom, and Bonaire, Saba and St. Eustatius will have a joint police service which will resort under the Netherlands. The police forces will cooperate. The ministers of Justice will be in charge of maintaining law and order. Agreement was reached on the text of the Kingdom Consensus Law on the Supervisory Council for the Administration of Justice. This law facilitates the establishment of an inspection organ in the judicial chain. The agreement paves the way for the Round Table Conference (RTC) on December 15.

POLNA updates Saba, Statia



POLNA Chairman Mr. G. Martes (right) and members of Saba's Island Council.

Saba and St. Eustatius were updated on the dismantling process on June 30 and July 1 respectively. Members of the Project Organisation Dismantling the Country the Netherlands Antilles POLNA travelled to the two islands for the occasion to give a presentation.

Invited for the meeting were the members of the Island Council. POLNA Chairman Mr. Geomaly Martes, assisted by Manon de Lanooi of Foundation Government Accountant's Bureau SOAB who supports POLNA's secretariat, informed the members of the Council about the process, the workings of POLNA and the future steps. St. Maarten's Permanent Committee for Constitutional Affairs (PCCA) received a similar presentation on June 4 this year.

Mr. Martes gave background information on the dismantling process, provided details on the approach and planning, elucidated on the Project Organisation and addressed the state of affairs. The legal, financial and organisational aspects of the dismantling process were explained.

On the legal side, decisions need to be taken regarding the relations that the Netherlands Antilles as a country has with public and private entities. Organisational wise, the Central Government has to deal with the transfer of its tasks and responsibilities, and also it has to make sure personnel is transferred in a correct and smooth manner to the new entities.



Mr. Martes at Statia's Island Council.

Financially, the Netherlands Antilles has to handle its obligations and means like taxes and contracts.

The two Island Councils were presented a review of activities that have taken place until now. Mr. Martes explained the future steps as part of a phased dismantling of the Netherlands Antilles, and he elaborated on the four phases, their status and the results. Members of the Island Councils used the opportunity to pose questions to Mr. Martes and Ms. De Lannooi.

Saba's Commissioner of Constitutional Affairs Mr. Chris Johnson pointed out that as future 'public entity' of the Netherlands, Saba had many concerns and unanswered questions. Mr. Johnson asked about the aspect of transferring personnel, specifically police. This is an important issue for Saba, due to the island's

extreme limited resources. As the legal successor of the Country the Netherlands Antilles for the BES islands, Saba, St. Eustatius and Bonaire, the Netherlands will be taking over the justice pillar. Mr. Johnson was also very interested in the financial aspect, the division of assets and liabilities. He wanted to know how far the Division of Assets and Liabilities Committee were and pointed out that the smallest islands too had a vested interest in this. Mr. Johnson said Saba was told that the Netherlands, per December 15, would start a gradual transfer of tasks via the Regional Service Centres on the BES islands. Mr. Johnson said there were some concerns that the Netherlands Antilles, the Central Government would 'try to stop' the process of the BES islands. Mr. Martes assured that the latter was not the case and that the principle remained to transfer all tasks.

In St. Eustatius, members of the Island Council too shared their concerns about the constitutional process and they posed several questions during the session on July 1. Commissioner of Finance Mr. Roy Hooker had some issues about communication and said this part, also with the Netherlands, was a bit strained. He said there was room for improvement where it concerned contact with the Netherlands, the availability of transfer files of the ministries and the feedback with the other islands. Mr. Martes assured that POLNA was giving the communication aspect its full attention, as this was also a responsibility as stated in the Federal Ordinance that regulates POLNA.

Mr. Hooker too asked about the progress by the Committee Division of Assets and Liabilities. Mr. Hooker, Mr. Julian Woodley as Commissioner of Constitutional Affairs, and Mr. Johnson from Saba all lauded POLNA for giving information to the Island Council about the dismantling process and the constitutional developments in general. "The information is needed and most certainly very welcome," said Mr. Woodley. It is POLNA's intention to update the islands on a regular basis.

Bijleveld: Accuracy, speed in dismantling



St. Maarten Commissioner Sarah Wescot-Williams and Ank Bijleveld share a light moment.

Dutch State Secretary of Kingdom Relations Mrs. Ank Bijleveld-Schouten said dismantling the Country the Netherlands Antilles is a complex and important trajectory requiring precision and right decisions. It is also a process that needs a steady pace. The ultimate beneficiaries have to be the citizens of the islands.

The Netherlands is involved in the dismantling process as the legal successor of the part of the Netherlands Antilles where it comes to Bonaire, Saba and St. Eustatius. These three islands, also referred to as the BES islands, will become part of the Netherlands as a public entity. "I have always pressed on the involvement of

the Dutch Government in the dismantling process, because I see that we need to make progress there," said Mrs. Bijleveld-Schouten in an interview. One person was appointed to represent the Dutch Government in the process on the islands and another person is assisting in The Hague.

Speed is an important element in the dismantling. The Council of State was asked prepare an advice on short notice about a phased dismantling of the Netherlands Antilles. "We can now start with the transfer of tasks," she said.

But this process also has to be precise and careful. This may seem contradictory with the wish for speed, but both aspects are important. And, nobody ever said it would be an easy task. "The dismantling is a very complex trajectory, much more complex than people would think. You can't just throw things out the window. That would be irresponsible. It has to be careful, serious and right," she said.

Mrs. Bijleveld-Schouten referred to Aruba. "Aruba just got out in 1986. Here we are talking about eliminating an entire country. There are so many aspects to deal with: personnel, assets, responsibilities, government companies.

Ultimately, the people of the islands need to benefit from the dismantling of the Antilles and the efforts to create two new countries and to bring the BES to the Netherlands. "My focus is always the citizens," she said. In this sense financial supervision is also important. "We are not getting involved in the islands' local policies, but we do want to have a grip on the financial space. It makes no sense to reorganise a NAf. 5.5 million debt when you have to talk again in five years about a new debt. That is the worst thing for the citizen."

bility of the new countries.

The levying, collecting and controlling of taxes will become one task, executed by one organisation, the New Tax Office, explained Ms. De Lannoy. There are three major elements in the structure of the New Tax Office: its budget will be legally established, as will its legal position, and the organisation will have the legal possibility to go to Court. The Minister of Finance will keep the right to give instructions.

The process to set up the New Tax Office had already started, but because of the constitutional restructuring and the dismantling, the process is accelerating.

Transfer of tasks follow the means

Finances play an important role in the constitutional restructuring process and the dismantling, and Minister of Finance Ms.

Ersilia "Zus" de Lannoy has her hands full to make sure it all goes well.



One of the principle decisions in the dismantling process is making the financial means available to facilitate the transfer of tasks from the Central Government to Countries Curaçao and St. Maarten and the new Dutch 'public entities' Bonaire, Saba and St. Eustatius. In other words, transfer of tasks follows the transfer of financial means.

Since the islands will be taking over tasks and authorities from the Central Government, they will need these funds to invest in ministries, services and human resources. Most federal ministries/departments and services are located on Curaçao. A few of the federal ministries/departments already have branches on St. Maarten and Bonaire, while there are even less on Saba and St. Eustatius.

Two major services that need to be built on the islands, except for Curaçao, are the Ministry of Justice and the Tax Office. St. Maarten will have to set up its own Ministry of Justice and Tax Office. On the BES islands, these tasks will be executed by the Netherlands.

Making financial means available for the islands affects the Central Government budget, and as such the Minister of Finance is involved. Ms. De Lannoy said the 2009 budget would have to be adapted several times. The Central Government needs the support of Parliament to make these adaptations.

The transfer of funds has to take place budget neutrally, meaning that it doesn't negatively affect the budget. The Central Government is already in a precarious financial situation. "We can't jeopardise the finances. You need to have the money to transfer. We are looking at that," said Mrs. De Lannoy.

New Tax Office for new countries

Country Curaçao and St. Maarten will need to have their own Tax Office in the near future. The Central Government has already been working on a new tax department (Nieuwe Belasting Dienst DNB) for almost two years, said Finance Minister Ms. Ersilia "Zus" de Lannoy who is facilitating in this process.

The idea is to merge three existing organisations, the Inspectorate of Taxes, the Federal Receiver and Tax Accountant's Bureau BAB into one central Tax Office. These organisations are now a federal responsibility, and eventually would have to become a responsi-

Bijleveld informs Saba, Statia people

Dutch State Secretary of Kingdom Relations Mrs. Ank Bijleveld-Schouten visited Saba and St. Eustatius on July 8, 2008. Goal of the sessions on the two islands was to inform the people about the process of the BES islands, Bonaire, Saba and St. Eustatius, becoming part of the Netherlands as a 'public entity.'



The session on Saba

Especially on Saba, the population turned up in large numbers to hear what Mrs. Bijleveld-Schouten had to say about their future as an island and as a community. The event at Saba Medical University started with an introduction by Saba's new Lt. Governor Mr. Jonathan Johnson and by Commissioner of Constitutional Affairs Mr. Chris Johnson.

Both said the process was very important for Saba, as this would change the island forever. Mrs. Bijleveld-Schouten started off by saying that Saba and the Netherlands were partners in this process. "Only together we can be successful." She said she came to Saba to answer questions, to explain the pending changes and to listen to the Saba people. She said she didn't have all the answers yet, as still not everything was clear with certain issues still being worked out by the Netherlands.

People in Saba posed questions about the monetary system, the height of salaries and taxes, voting rights in the Netherlands, the language of instruction, the police corps and the police station, the educational system, the relation with the European Union (EU), social benefits and the cost of living. The State Secretary answered all questions and said she would gladly return for another session.

The atmosphere was a bit tenser during the session of the Dutch delegation with the people of St. Eustatius later that afternoon. The number of attendees was smaller than in Saba, but their criticism was not. The people followed the advice by Acting Lt. Governor Mr. Gerald Berkel to 'actively take part in the process.'

Here too, Mrs. Bijleveld-Schouten started off



Participants in the session on Statia

with a short introduction in which she explained that the process of constitutional change for the BES islands would start in 2009 through, among others, a regional service center. In 2011, the Netherlands would be taking over all responsibilities for the BES.

Clearly worried about what the future would bring, the people wanted to know about the pension that they built up at the General Antillean Pension Fund APNA. Many of the questions dealt with the same issues that were asked in Saba. Topics that surfaced included the tax system, the language of instruction, the educational system, the currency, the status in the EU and the police force/justice.

Some Statians were worried about their identity after becoming part of the Netherlands. Mrs. Bijleveld-Schouten said that The Hague would not be implementing all of its laws on the BES islands and that many local laws and customs would remain. "Our intention is not to change you. We only want to help improve your living conditions," she said. The State Secretary said the Netherlands was working together with the Central Government and assured that the interest of the people came first in this process.

Prime Minister: It is all about people

Dismantling the Netherlands Antilles is mostly about people, according to Prime Minister Mrs. Emily de Jongh-Elhage. "For me it is not about desks, pencils or computers. It is about the people."

The human aspect is crucial in this process. Civil servants need to feel secure," said Mrs. De Jongh-Elhage in an interview. She said civil servants rightfully were nervous about the process which entails the breaking up the Netherlands Antilles, creating two new countries and the three 'smaller' islands going over to the Netherlands.

The human aspect in the process of constitutional restructuring has always been important to the Prime Minister. "I have said this since day one." According to her, everyone deserves a fair chance and has to be treated equal in this process. "As long as I am here, I will fight for that." Cooperation is another important aspect in this process. All stakeholders have to work together. "The Netherlands Antilles are disintegrating and the islands are going over in a new structure. That means the islands have to work together." But, said Mrs. De Jongh-Elhage, the islands also have to be ready to take over the tasks that are now executed by the Central Government on behalf of the Country the Netherlands Antilles.

The Prime Minister highlighted this aspect as well as the human aspect during the Political Consultation with Curaçao and St. Maarten on Wednesday, September 30. The following day, October 1, at the end of the Political Consultation with the islands and the Netherlands Mrs. De Jongh-Elhage was happy to announce that another step was taken to realise new relations in the Kingdom and some major hurdles had been cleared in preparation for the Round Table Conference (RTC) on December 15. Agreement was reached on the financial supervision, the police services and the Council for the Preservation of Law and Order (Raad voor de Rechtshandhaving).