

Info Bulletin

Dismantling the Netherlands Antilles

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Phased dismantling: Keeping it simple.

The approach and implementation of phased dismantling primarily should be a simple and clear process. Governments of the island territories Curaçao and St. Maarten, and the country the Netherlands Antilles stated this in their resolution during a meeting in St. Maarten on November 24, 2008. Parties agreed to the conditions of a phased dismantling of the Netherlands Antilles which should be completed by January 1, 2010.

The November 24 meeting was the result of a decision by the Political Steering Group of May 22 to speed up the process of transferring tasks to the islands. As a result the Mixed Committee Phased Dismantling started an intensive trajectory during which an inventory was made of what the phased dismantling would look like. As part of that exercise an inventory was taken of the tasks of the Central Government, the conditions of transfer were determined and the criteria were set for this transfer.

The meeting of September 30, 2008 to seal the deal on a phased dismantling didn't yield the desired result, because Curaçao still needed to feedback with its Island Council. Parties were more successful on November 24, 2008, when an agreement was signed about a phased dismantling.

An important point of that agreement was that all (federal) civil servants will receive an offer before April 1, 2009 for a position at the new governments of countries Curaçao and St. Maarten. The design of the organisation of the new countries will be ready by



Three Prime Ministers at the Round Table Conference. From left: Mr. Balkenende of the Netherlands, Mrs. De Jongh-Elhage of the Netherlands Antilles and Mr. Oduber of Aruba. See page 3 and 4 for more stories and photos.

January 31, 2009, which by then would also have to be approved by the respective Island Councils.

The actual transfer should start by July/August, 2009, followed by the second phase in September, 2009 and the last phase being completed by December 31 of that same year. It is not possible to start with the transfer of tasks before April 2009 as this has to be arranged in a federal ordinance.

The phased dismantling should be completed by January 1, 2010. The 10-page agreement of November 24, 2008 details the personnel, legal and financial aspects of the phased dismantling (see articles on page 2).

Curaçao, St. Maarten en the Central Government agreed to transfer all federal tasks and authorities, and where this proves impossible, the Central Government will create special provisions. The new entities will decide whether they will jointly execute certain tasks, which will become inter-island services.

Certain tasks will not be transferred such as higher supervision as regulated in the Islands Regulation of the Netherlands Antilles ERNA, the authorities provided to the Netherlands Antilles in the Kingdom Charter, general law, criminal law, civil law and the Common Court of Justice. Evaluation of the process of phased dismantling will take place no later than July 1, 2009.





Prime Minister Mrs. De Jongh-Elhage (centre), here flanked by Finance Minister Ms. Ersilia de Lannooy (left) and POLNA Chairman Mr. Geomaly Martes, chaired the November 24, 2008 meeting.

The finances

The transfer of tasks from the Central Government to the future countries Curaçao and St. Maarten and to the new Dutch 'public entities' Bonaire, Saba and St. Eustatius will be accompanied by the necessary financial means. This is one of the principle decisions in the dismantling process.

The Central Government, Curaçao and St. Maarten on November 24 reached an accord on the financial aspects of a phased dismantling. The transfer of tasks in the phased dismantling will take place budget neutrally, meaning that it will not adversely affect the budgets of the entities. The island territories will receive the means reserved in the 2009 Central Government budget for the execution of the transferred tasks. The Central Government will assist the island territories with investments aimed at improving the quality of certain tasks. Possible budget deficits of the Central Government will be dealt with in cooperation with the island territories.

The Central Government by April 2009 will have initiated an exercise to specify expenditures and revenues per island territory. The Central Government will keep collecting the federal taxes so it's guaranteed enough money to live up to its responsibilities until the Country the Netherlands Antilles has ceased to exist. The Central Government will pay its 2009 share in the Solidarity Fund for the smaller islands Bonaire, Saba and St. Eustatius.

Rental and lease contracts will be either transferred to the island territories or terminated. The report of the Committee Division of Assets and Liabilities (Commissie Boedelscheiding) will go to the Antillean Parliament. The Board for Financial Supervision will be informed about the financial implications of a phased dismantling. Financial means will be transferred after the financial supervision has gone into effect per 2009 and the Netherlands has started the exercise to reorganise the national debt.

Transfer of personnel

Delegations during the Political Consultation on November 24 agreed to the aspects of personnel in a phased dismantling.

The Central Government will establish a covenant regarding the Social Charter with the island territories of Curaçao and St. Maarten no later than January 31, 2009. The organisational structure of the new countries has to be ready by late January 2009 before the transfer of civil servants can take place. The civil servants will be simultaneously transferred according to the order of transfer of federal tasks to the new entities. The individual legal responsibilities will be established by January 31, 2009 prior to the transfer of the civil servants.

The Central Government will assist Curaçao and St. Maarten to pull together the necessary resources to cover the

(financial) consequences of the merger of personnel. The Netherlands will be approached for help. An adequate support trajectory for the transfer of federal civil servants to the new entities will start no later than early February 2009. This trajectory will have three phases, namely the preparatory phase, the transfer phase and the after-care phase. The first two phases will be executed by the Central Government, Curaçao and St. Maarten. The last phase will be a responsibility of the new entities.

A meeting with the Netherlands to discuss the transfer of federal tasks and of Central Government civil servants to the BES islands Bonaire, Saba and St. Eustatius is planned for mid or late January 2009.

Transfer of tasks

Tasks will be transferred in two sections to the Island Territory St. Maarten.

St. Maarten takes over the first batch of tasks per July 1, 2009. They are: the Directorate of Labour Affairs, Directorate of Economic Affairs, Bureau Telecommunication & Post, Bureau Process Management Innovation in Education, Foundation Government Tax Accountants Bureau BAB, Inspectorate of Taxes, Federal Receiver, Department of Development Cooperation, Government Re-socialisation School (Gouvernement Opvoedingsgesticht), Meteorological Service, Directorate of Aviation, Directorate of Maritime Affairs, Customs, Reporting Centre for Unusual Transactions MOT, Central Bureau of Statistics CBS, Directorate of Social Development, Directorate of Public Health, Health Inspection, Directorate of Youth Development, Directorate of Education, Sports & Culture, Education Inspection, Directorate of Legal Affairs, Federal Detectives, Court of Guardianship, Rehabilitation Services (Reclassering), Prison Affairs, Central Police Service, police forces.

Transferred in the second phase (December 31, 2009) will be: the Directorate of Foreign Affairs, Cabinet of the Minister Plenipotentiary, Secretariat of Social Economic Council SER, Secretariat of the Advisory Council RvA, Secretariat (griffie) of Parliament, Public Prosecutor's Office, National Security Service VNA, Secretariat (griffie) of the Common Court of Justice, Exam Bureau, National Archive, Directorate of Finance, Police School, Directorate of Constitutional Affairs, Directorate of Personnel, Organisation & ICT, Secretariat of the Council of Ministers.

Tasks will be transferred in three sections to Curaçao, not in two like St. Maarten. It was agreed that a plan of cooperation will be drafted in two months for government related entities resorting outside the ordinance of federal tasks LOL. These organisations include Capriles Clinic, Social Insurance Bank SVB, General Pension Fund APNA, the health insurance fund BZV and the health care fund for pensioned civil servants FZOG. The island territories will take over the salaries of the clergy per January 1, 2010.

Round Table Conference December 2008

Implementation phase starts

The Netherlands, Netherlands Antilles and the island territories took another important step at the December 15 Round Table Conference (RTC) to realise new constitutional relations in the Dutch Kingdom. The proposal phase was closed off and the implementation phase of the constitutional trajectory can now start.

The conclusions signed at the RTC included agreements on police and maintenance of law and order and also on a number of financial aspects such as budget policy, financial management and supervision. In exchange for supervision on the judicial chain and government finances, the Netherlands will pay off 70 per cent of the Antillean national debt. Debt reorganisation will start now. The Dutch General Audit Chamber will analyse the national debt.

For the BES islands Bonaire, Saba and St. Eustatius, the RTC meant a reconfirmation of their future direct relation with the Netherlands as 'public entities.' In the case of Curaçao and St. Maarten, parties decided to continue to carry out earlier agreements so these islands can attain country status in the future. No dates were mentioned in the RTC conclusions. That will happen in the final RTC.

Curaçao and St. Maarten have submitted draft legislation needed to become a country. The islands submitted a draft Constitution and a number of organic laws for review by the RTC. The RTC determined that the law proposals complied with the earlier set conditions.

The RTC took formal notice of the draft law proposals regulating the 'public entity' status of the BES islands. These law proposals have already been approved by the Dutch Council of Ministers and have been forwarded to the Council of State for advice, after which they will go to the Second Chamber for approval.

The RTC also took formal note of the proposal to amend the Charter. The point of departure of the amended Charter will remain the same as in the current Charter: countries in the Kingdom will look after their own interests, take care of joint interests based on equality and provide mutual assistance. The order of the countries in the amended Charter will be as follows: the Netherlands, Aruba, Curaçao, St. Maarten.



- 1 The Central Government delegation at the RTC
- 2 The Statia delegation at the RTC
- 3 The Saba delegation at the RTC
- 4 The St. Maarten delegation at the RTC





Chairman Prime Minister Balkenende (centre) at the RTC.

Balkenende: 2009 a year of great importance

Dutch Prime Minister Mr. Jan Peter Balkenende anticipates 2009 will be a promising year. It will be a year of implementation of earlier constitutional agreements, a year in which the Netherlands Antilles will be dismantled and new entities built. But it will also be a year of hard work.

"Next year is of great importance," said Mr. Balkenende at the conclusion of the December 15 Round Table Conference (RTC) which heralded the end of the proposal phase and the start of the implementation phase. The implementation phase is the result of agreements made during the start RTC in 2005 and the Final Declaration of November 2006.

Mr. Balkenende said he understood the fierce desire of Curaçao and St. Maarten to become an autonomous country in the Kingdom, he added at the same time that the islands had to comply with the set conditions. He said there was still much work to be done before Curaçao and St. Maarten could become a country, and urged parties to be open in their discussions.

Mr. Balkenende is looking forward to the implementation phase, a phase of applying practical issues. "We are taking it step by step. We had the start RTC, now the RTC to review the process and the coming months focus will be on the benefit of all of this, the implementation," he said in an interview with the POLNA newsletter.

Dismantling the Antilles means that relations in the Kingdom will change, said Mr. Balkenende. "For me as Prime Minister it means different relations. Now we deal with the country Netherlands Antilles, also as a legal entity, and in the future we will be talking to country Curaçao and country St. Maarten," he said.

"The relation with the BES islands Bonaire, Saba and St. Eustatius will change and they will be in direct contact with the Netherlands. The relation with St. Maarten will also change because if all goes well, the island will attain country status."

The dismantling first and foremost has to benefit the people of the islands. "Discussions about new constitutional relations might be interesting, but more impor-

tant is the question in what way new relations will be beneficial to the people. We want people to gain from the agreements that we have made," he said.

"We are working on reorganising the debts. We do that to improve the financial situation, so that the new entities don't have to suffer because of the heavy interest burden and they can invest in important areas like education and public health. But we also have to prevent that new debts are incurred. And that means a solid financial management, improving the system of maintaining law and order, because a corrupt society where integrity is not upheld serves nobody," said Mr. Balkenende.



(above) Curaçao Commissioner Mrs. Zita Jesus-Leito (left) and Mr. Norwin Carolus of POLNA share a light moment during a break at the RTC.

(below) The Dutch delegation at the RTC. At left Minister of Justice Mr. Hirsch Ballin, centre State Secretary Mrs. Bijlveld-Schouten and at right Minister of Home Affairs Mrs. Ter Horst.





State Secretary Mrs. Bijleveld-Schouten addresses the media at the end of the Political Consultation with the BES islands.

Dutch commit to BES islands

The BES islands Bonaire, Saba and St. Eustatius are well on their way to a new status. The Dutch Government and the islands during a political consultation in The Hague on November 20, 2008 came to a number of concrete decisions in preparation of the islands' new status as 'public entity' of the Netherlands within a year or two.

Four main pillars have been identified in the process: public health, safety, education and youth & family affairs. An action plan will be executed in 2009 and 2010 to improve the quality in education on the three islands. This includes school books and other educational material, but also facilities such as school buses and tackling of urgent problems with schools like asbestos and termites. A plan is being drawn up to organise the study financing.

People on the BES islands shortly can count on 24 hour, 7 days availability of emergency transport for the sick. A care facility will be established in 2009 to finance the implementation of a health care insurance which will be taken over gradually from the current health care providers such as SVB and BZV. A centre for youth and family will be established on the three islands to facilitate the implementation of the policy in this area.

A few other highlights from the decision list which specifies the commitment of the Netherlands per policy area: Saba and St. Eustatius will each get three members of the Dutch Royal Marechaussee, 6 million Euro for the police forces for 2009 and 2010 with an additional one million Euro to make police more visible, a joint call centre for emergency services, improvement of the police cells, general development and training of police personnel, a new police station for Saba, more police officers and police vehicles, better equipment for the traffic police and detectives, new equipment for the fire departments, a basic level of telecommunications including a general emergency number, a technical assistant for Saba's harbour, a coordinator for maritime affairs on St. Eustatius, a Particularly Sensitive Sea Area status for the Saba Bank, better drinking water facilities, a zoning plan and improved waste disposal system, 6 million Euro from the Netherlands per year for 2009 and 2010 for improvements in public health and better facilities to assist youngsters and families.

Saba's Commissioner Mr. Chris Johnson said Saba appreciated the commitments by the Dutch. He praised the ministries in The Hague for showing honest interest and willingness to assist. "We are on the right path," he said at the signing ceremony of the December 15 Round Table Conference (RTC).

He concluded that autonomy wasn't worth much when a small island like Saba would not be able to provide for its people by itself.

Statio's Commissioner Mr. Julian Woodley said at the RTC that so far the work to integrate the BES islands into the Netherlands was paying off. He said all hands on deck were needed to steer the ship. The main thing was to guarantee a better future of the people. "It is for them and it is serious business," he said, calling on all parties to cooperate.

Regional Service Centres opened

Dutch State Secretary of Kingdom Relations Mrs. Ank Bijleveld-Schouten opened a Regional Service Centre (RSC) on each of the three BES islands in December, right after the RTC.

Mrs. Bijleveld-Schouten referred to the centres as "the first concrete manifestation" of the new relation between the Netherlands and Bonaire, Saba and St. Eustatius.

The centres will be carrying out the various tasks on behalf of the Netherlands. It is a place where citizens can get information, apply for employment permits and seek help with filing taxes.

The RSC will be the referral point for all issues that become a responsibility of the Netherlands. The centre, after the transition, will execute social welfare ('onderstand') and the provision for the elderly.

A special health insurance unit will be set up, in anticipation of a general health insurance for citizens of the islands. Some Dutch ministries that are directly involved will be represented at the centre. They will help to improve, among others, education and youth & family affairs.

The RSC in Saba is located at The Gap and the RSC in St. Eustatius at the Mazinga complex.

Aruba pledges support

Aruba will cooperate to dismantle the Netherlands Antilles and to realise new constitutional relations in the Kingdom per January 2010. But, said Aruba's Prime Minister Mr. Nel Oduber, not at the cost of the position of his island as country within the Kingdom.

Mr. Oduber said he came to the Round Table Conference (RTC) to give support to their 'brother' islands Curaçao and St. Maarten in their efforts to become countries in the Kingdom. He said he also respected the process of integration of the BES islands Bonaire, Saba and St. Eustatius as 'public entities' of the Netherlands. "We will not be an obstruction," he said.

Mr. Oduber explained that when Aruba left the Antillean Constellation in 1986, the island "left everything for the Netherlands Antilles." "We paid a high price. We also contributed to the Solidarity Fund," he said in an interview.

But when Curaçao becomes a country, the institutions on that island will have to be fairly divided among the islands. "We are only opting for the Common Court of Justice," said Oduber, who stressed that justice is not bound to a specific location. "

The Netherlands has threatened with higher supervision. That is nonsense. We are not demanding, but we are saying we are not leaving everything behind like we did in 1986," he said.

Antillean Minister of Constitutional Affairs Mr. Roland Duncan said it was important to cooperate with Aruba.

The Netherlands Antilles and Aruba are already cooperating in certain areas. The idea is to continue and possibly even expand the cooperation when Curaçao and St. Maarten become countries.

Mr. Duncan on September 26 chaired a meeting between Aruba, the Netherlands Antilles, Curaçao and St. Maarten in which parties agreed that it was important to start a trajectory of consultation.

Delegations in a signed decision list confirmed the desire to cooperate. It was agreed



Prime Minister Oduber (at right) signing at the RTC. Looking on from left are: Commissioners Mr. Woodley, Mr. Johnson, Mrs. Jesus-Leito

to establish a committee.

The committee will make an inventory of the current areas of cooperation and the possible areas of future cooperation. The committee will analyse Aruba's proposal regarding the future Common Court of Justice, and also look at Aruba's position paper on amending the Kingdom Charter. Delegations agreed they would only approve a change in the Charter where necessary to dissolve the Netherlands Antilles and establish new countries.

Results booked at Political Consultation

The Netherlands, Netherlands Antilles, Curaçao and St. Maarten reached an accord on financial supervision and police legislation during a meeting on St. Maarten on November 26.

Point of departure of the police legislation for the new countries Curaçao and St. Maarten, as established during the Political Consultation, is a high quality and integer police organisation. Curaçao and St. Maarten will each get their own police corps, while the BES islands Bonaire, Saba and St. Eustatius will share a police force.

The three police forces will cooperate. There will be a system of rotation whereby officers can work and be deployed on all islands. Agreements have been made on equipment, instructions how to deal with

violence and a ranking system so the officers can work on all islands. Agreements were also made on the exchange of police information.

The new police organisations will have an active policy to stimulate integrity that is focused on proper handling. The organisations will actively prevent abuse of authority, conflict of interest situations and discrimination. A joint police organisation will be established to deal with larger issues such as organised (international) crime and for operational support. A federal detective organisation will carry out integrity investigations.

The responsibility of maintaining law and order on Curaçao and St. Maarten will resort under the Ministers of Justice of the respective countries. On the BES islands,

the Dutch Ministers of Justice and Home Affairs and Kingdom Relations will be responsible. The prosecuting authority will be in the hands of the Attorney General, which will be shared by Curaçao and St. Maarten. Curaçao and St. Maarten will each have their own Public Prosecutor's Office.

In the area of finances, parties agreed to financial supervision. The Council of Financial Supervision Cft starts the supervision of the government finances of Curaçao and St. Maarten. Cft has already been supervising the finances of the BES islands for a while. Points of departure for supervision are balanced budgets and a limit for incurring new debts.