

IN SYNERGIA UNANIMUS



**Suggestions for Sanity
in Constitutional Structuring**

***Sugerensia pa un
Struktura Estatal Sano***

Dedicated to:

**Mrs. Maria Philomena Liberia-Peters,
Prime Minister of the Netherlands Antilles
from 1984 to 1986
and from 1988 to 1993**

**Mrs. Liberia-Peters was a Prime Minister
WITH HEART**

**However, with respect to our Constitutional Structure,
it was Mrs. Liberia-Peters as Prime Minister who led
the effort to break up the Netherlands Antilles in 1993.
She failed, but her divisive effort was not praiseworthy.**

That is why this book is dedicated especially to:

**Mr. Miguel Arcangel Pourier,
Prime Minister of the Netherlands Antilles
from July to December 1979
and from 1994 to 1998
and again from 1999 to 2002**

**Mr. Pourier as Prime Minister tried to maintain the unity of
the Netherlands Antilles by restructuring it.
He, too, failed. But his effort was praiseworthy.**

**In a strange way both Prime Ministers paved the way for the
possible reconstruction of our islands into a loose
but meaningful synergetic whole.
Totally different from what we had in the past, of course.**

***That is why we dedicate this book most especially to
those future politicians who have the heart and the
understanding to find novel and convincing ways
to re-unite our islands.
Because unity is strength.***

Preface

After having written approx. 8 chapters for this book, we received the good news that the Dutch Parliament ('Second Chamber') had adopted a motion submitted by the MP's Wuite and Van Raan, calling on the Dutch government to convene a Kingdom Conference in 2023 to discuss, *inter alia*, the following important topics:

The Kingdom Charter; European Union Law in relation to Kingdom Law; Human Rights; Climate Change, Economic Expansion and Consolidation; Regional/International Cooperation.

The motion was dated 6 July 2022.

Synchronicity is the simultaneous occurrence of events which appear significantly related but have no discernible causal connection.

There is no doubt. This is an example of synchronicity.

Foundation 'Golden Meand Society'

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INTRODUCTION

When the New Constitutional Deal with Holland took effect in 2010, did we not feel that this '10-10-10'-transition would only be temporary? In fact, while the former Netherlands Antilles was still in the process of 'evaporating', as U.N.-officials described the dismantling process, some people were already looking ahead. But the time was not yet right.

We believe the time has now come to open the discussion once more.

Below an image of the old 'Coat-of-Arms' of the original Netherlands Antilles, constituted in 1954 and consisting of the following six islands: Aruba, Curaçao, Bonaire, St. Martin, Saba and Statia.



Original Coat of Arms.
The Crown is that of the
Dutch Sovereign.

Motto: Libertate Unanimus.
In Freedom we Unite.

It was in use since 23 October 1964. It contains six stars, one for each island of the original 'Antilles of 6', which came into being as a constitutional entity in 1954.

The designers grouped the stars in two sets of three. It is unknown if this was foresight or not. But, after many wanderings, we have come to the conclusion that the future of these 6 islands lies in the formation of 2 groups of 3 islands each.

Leeward: Aruba, Curaçao and Bonaire.

Windward: St. Martin, Saba and Statia.

The main reasons for this are: 1) Language (Windward English; Leeward Papiamentu) 2)

Geographical distance (910 km) and 3) Affinity (the two sets of islands naturally and culturally belong together).

Therefore, in this series of articles we suggest new constitutional solutions for Aruba, Curaçao and Bonaire. However, many of our suggestions may equally apply to the Windwards.

Former Prime Minister of the Neth. Antilles, Juancho Evertsz, strongly opposed Aruba's plans to exit from the Neth. Antilles. He spoke with clear foresight when he said: $6 \text{ minus } 1 = 0$. It so happened. First Aruba seceded in 1986 and in 2010 the remaining 'Antilles of 5' was broken up. The Neth. Antilles does not exist anymore.

And it will not be revived.

However, two new entities may evolve. We hope and pray that we speak with equal foresight when we say: $6 - 1 = 0$, but will become 2×3 .

For the foreseeable future we do not recommend full political independence for our islands. Here is why.

We live in the Transformation Age. Great global changes are in the making. Politically, economically, ecologically, culturally and above all spiritually. For our own survival as a species, we will have to evolve to some kind of democratic and ecologically responsible global governance, based on some kind of universal spiritual awakening.

This transformation will cause great pain and demand extreme sacrifices. It will take a lot of time. If successful, we may by the end of this century expect a new era of common sense and peace to emerge.

In the meantime we will probably be better off under the wings of the Kingdom of the Netherlands, until we can safely and naturally merge as two federal states into the Greater Caribbean Region.

We do not have a privilege to prophesy. But we risk it.

Explanatory note on choice of language.

This series of articles will be published in English and Papiamentu. There are several reasons for this, the decisive one being that we hope they will be accessible and read by the people of both the Leeward and the Windward Islands. And to translate them into Dutch and Spanish as well, would be too burdensome.

1. IN SYNERGIA UNANIMUS

Synergy: the Principle of Intelligent Cooperation

Can anyone be against cooperation, if all participants win? For instance, if Aruba, Kòrsou y Boneiru decided to cooperate on higher education, resulting in higher quality, more opportunities for less money, would it not be insane to reject such cooperation?

Yet the islands are in fact rejecting this right now.

Synergy is the cooperative principle producing a combined result greater than the sum produced by an equal number of non-cooperating individuals. Or: 'the whole is more than the sum of its parts'.

Simply put, synergy means: $1 + 1 = 3$.

Applied to aforementioned 3 islands, this sum would be: $1 + 1 + 1 = 5$.

If this is understood, there can be no reason why the islands should not voluntarily cooperate in synergy. So, cooperation only when two or three islands can see mutual benefit with extra bonuses on top.

That is synergy.

Remains only to decide which governmental organ could be entrusted with the power to determine which specific governmental tasks and/or responsibilities would pass the synergetic test.

For this we propose the 'Council of Elected Governors' ('CEG').

There cannot be a Central Government as in the past. And indeed, the CEG is not like that at all. First of all, the present system in which the Governors are nominated by Dutch Royal Decree will be scrapped. Instead each island will democratically elect its own Governor. The three Governors meet regularly to decide which tasks and/or responsibilities will produce synergetic benefit, i.e. mutual benefit plus bonuses.

Each island remains free to withdraw from any synergetic project, with due observance of a pre-determined term of notice agreed upon for each and every synergetic project.

In the following article of this series we will elaborate in more detail on the CEG.

Now we can frame the Preliminary Article of the Pact of the New Union between Aruba, Kòrsou y Boneiru. It reads as follows:

Preliminary Article

- 1) Synergy is the binding principle of the New Union.
- 2) The Council of Elected Governors determines which executive tasks and/or responsibilities will be voluntarily implemented in synergy by two or all three of the islands.
- 3) The Council of Elected Governors determines by Order in Council how each synergetic project shall be implemented.
- 4) Synergetic projects are financed by the participating islands in proportion to the population-size of each participating island¹.
- 5) The Island-Parliament of each island may petition the Constitutional Court to alter or terminate any synergetic project with due observance of the pre-determined term of notice set by the Council of Elected Governors, if a two-thirds majority considers the project to be in violation of the island's Federal Constitution.



In Synergy we Unite

**The Coat-of-Arms of the New Union of
Aruba, Kòrsou y Boneiru.**

The stars symbolize the 3 islands.

**The 2 pluses are green to symbolize synergy in general
(1+1+1 = 5), but also to affirm that the 3 islands are
committed to synergy between ecology and economy.**

1) This criterion may have to be refined and/or expanded.

2. THE COUNCIL OF ELECTED GOVERNORS

Without Innovation, No Progress

Unless a credible new structure is on offer, a New Union between Aruba, Kòrsou y Boneiru is out of the question. We do not underestimate the difficulties. Yet, if truth and innovative spirit burns these pages, a way will be opened unto us.

After all, we are reasonable people and we love our islands.

The election of Governors, then, is the *second* innovation. That is to say, it is innovative for us. It is basically the Presidential system. So in fact it is old stuff, but applied in an innovative way to our situation.

The Dutch political party D66 has advocated the introduction of elected city-mayors for a long time. Because it is more democratic. And right they are. And as we, too, are pro-democracy, this choice is only natural.

So instead of Governors being nominated by Dutch Royal Decree, each island will organize 4-yearly general elections during which the people vote to elect its Governor. The elected Governor then nominates his/her Cabinet to carry out all executive tasks and responsibilities entrusted to the Governor as stipulated in each Island's Federal Constitution.

And, as we have already seen, the three Governors together form the Council of Elected Governors (CEG).

And because each Governor is directly elected by the people and is in charge of all executive functions, he/she does not require the Island-Parliament's approval to determine in the CEG which executive tasks and responsibilities will be voluntarily implemented in synergy with the other islands. The CEG has the authority to decide this on its own.

Much less red tape!

However, the Island-Parliament of each island does have the right to petition the Constitutional Court to alter or terminate any synergetic project, if a two-thirds majority of the Island-Parliament considers it to be in violation of the Island's Federal Constitution.

The reader will have noticed that we have without warning or prior explanation made mention of apparently three 'Island-Parliaments', three 'Federal Constitutions' and the 'Constitutional Court'.

That is correct. And, yes, we move fast. But not to worry. As we progress, we will elaborate on all these and other constitutional organs and structures one by one. The overall picture will become clear to you.

So now we can frame the Article concerning the Elected Governors to be included in each of the Federal Constitutions of Aruba, Kòrsou y Boneiru. It reads as follows:

The Governor and the Council of Elected Governors

- 1) The Governor is in charge of all executive powers granted to him/her in the Federal Constitution and other legislation passed by the Island-Parliament.**
- 2) The Governor is elected by the people of the Island for a term of 4 years. He/she may be re-elected for a second term.**
- 3) The Elected Governors of Aruba, Curaçao and Bonaire form the Council of Elected Governors.**
- 4) The Presidency of the Council of Elected Governors rotates annually, the first and second President to be nominated by drawing lots.**
- 5) The Council of Elected Governors meet on the island where its President holds office.**



3. WE MUST ASSERT OURSELVES

Nothing Ventured, Nothing Gained

Opting for Presidential style elections to nominate our Governors will also strengthen our democratic will. We must learn to assert ourselves more. In a measured and just way, but we (the 3 islands) must ultimately take responsibility for our collective destiny. Not outsiders. We must decide within the limits of each island's Federal Constitution.

Now, Aruba and Curaçao do 'assert themselves'. Sometimes there still lingers some hatred in the asserting. That should be thrown out. Because by hating you poison yourself, whereas the other does not die. Be that as it may, fact is that the Arubans and Curaçaoans have not given up the 'generous measure of autonomy' granted to them in 1954.

But we, Bonaireans, did give it up in 2010. Now is the time to retrieve it. Not 'reconquer' it, as though Holland is our enemy. No, Holland is our friend. We just have to get it back. To do that we must learn to assert ourselves. Our anthem reminds us daily that we have chosen 'humility' as our top-virtue. That is beautiful. We must keep that.

But asserting oneself can be done humbly, but determinedly.

We dismantled the Neth. Antilles to be able to rebuild it. Not as it was, of course. But in our heart of hearts we all know, including the Arubans, that the only three Papiamentu-speaking islands in the world belong together. Historically so, culturally so and even still politically so. After all, all three of us still form part of the Kingdom of the Netherlands.

So, we have to rebuild it now in our own way. We are not bound to traditional constitutional thinking, which was developed mainly in continental Europe and the USA. We can create a New Union that suits our special needs and circumstances as an archipelago.

And in this process Bonaire can play a catalyzing role. By asserting ourselves in the right way, we may be able to accelerate a gentle fire lingering in Aruba and Curaçao also. We will need Aruba and Curaçao to achieve our goal. But Aruba and Curaçao will be needing Bonaire also.

Because Bonaire is a natural peace-maker.

For Bonaire this 'asserting' begins by deciding that our relationship with Holland will have to change. A process has to be set in motion whereby Bonaire may gradually recover the autonomy it lost in 2010.

Granted, this process will take time. But without a beginning, there will never be an end.

For instance, we could start with education. During a period of 5 years, the task and responsibility for running our own local educational system will be transferred to the (future) Federal Government of Bonaire. And this may be followed by other governmental tasks, one by one or even a few simultaneously depending on complexity and expediency.

Why 'federal', will be explained later¹.

The gradual federalization process can be initiated within the framework of Chapter 7 of the Dutch Constitution ('Grondwet'). Once completed, a decision can be made as to whether Bonaire should be incorporated back into the Kingdom Charter ('Statuut'), or not.

So now we can frame a new article 132b to be inserted into the Dutch Constitution, setting the tone for where we are headed. Later more sections will be added to this article.

Art. 132b Dutch Constitution:

1. Bonaire is a Federal Island State. All residual legislative and executive autonomy rests with the Federal Island State of Bonaire.
2. The Federal Island State of Bonaire forms an integral part of the Netherlands and the European Union.
3. The federalization process and the transfer of tasks and responsibilities to the Federal Island State of Bonaire shall be regulated by law.



HE WHO STANDS FOR NOTHING, FALLS FOR ANYTHING

¹) More background on this can be found here: <https://www.arcocarib.com/ebooks/de-zon-verlicht-de-weg/> This link consists of two texts in the Dutch Language, the first an essay explaining that the system laid down in the Kingdom Charter ('Statuut') is in fact of a federal nature. The second is a Conceptual Framework to show how Bonaire could be incorporated into the Dutch Constitution as a 'Federal Island Territory' (which we now prefer to call 'Federal Island State'). The two texts may be seen as precursors to this present paper.

4. THE FEDERAL CONSTITUTIONS

Shared or Dual Sovereignty

Federal States normally have their own Constitution. The State of Florida, for instance, forms an integral part of the United States of America. Yet it has its own Constitution.

Florida has its own Government, headed by an elected Governor. It has its own Legislature (Parliament) and its own Judiciary (Courts, including its own Supreme Court).

So we may conclude that in principle Florida is a complete and sovereign state on its own. This is correct. However, Florida (as all American States) decided of its own free will to form a Union with the other 49 States of the USA. This Union-agreement entailed that it had to transfer some of its sovereign powers to the Union, known as the 'Federal Government'.

Now, this is not as clear as it seems, but we cannot get into that here. The point is that in a federal system there are at least two layers of government. And both have sovereignty. So there is shared or dual sovereignty; that is to say, there is a distribution of powers between the Federal (National) Government and the Government of the States.

Now, the Kingdom Charter is based on this same principle. That is why we concluded back in 2002 that the Kingdom of the Netherlands is in fact a federation (*cf.* note pg. 8). We published an article about this in a Dutch Law Magazine and its basic thesis was academically acknowledged.

It was, however, *politically* rejected. The academic truth was politically inconvenient.

Fact is, however, that the islands of Aruba, Curaçao and St. Martin also have shared or dual sovereignty with the Dutch government in The Hague. To symbolize this, the original Netherlands Antillean coat-of-arms should really have had two crowns on top, not just one.

However, we do not propose to change this. The Crown and the Dutch Royal Family is a Dutch invention, introduced in 1813 to 1815 in order to foment unity following the French Revolution. From it grew a quirky but livable democratic system, that is not up to the islands to change.

However, be it said that in this respect we think Republican. We respect the Royal House as long as the Dutch people wish to maintain it, but we do not applaud it. As far as we are concerned, it is undemocratic.

Now, as said, federal states have their own constitutions. And in fact Aruba, Curaçao and St. Martin do already have their own constitutions. They are called 'Staatsregeling', which may be translated as 'State Regulation'. Content-wise these are federal state constitutions.

From this it follows that Bonaire will also have to get its own constitution to be able to join the New Union of Aruba, Kòrsou y Boneiru on an equal footing. As we saw, this may be done by inserting art. 132b into the Dutch Constitution ('Grondwet'). The law mentioned in section 3 (cf. previous chapter) will then function as the Bonairean 'Federal State Regulation'.

This way all three islands will have their own constitution, albeit not by the same route. Bonaire will remain an integral part of the Netherlands, whereas Aruba and Curaçao maintain their present *integral* status within the (wider) Kingdom of the Netherlands.

Now, you may have wondered why it was politically inconvenient to accept the academic truth that the Kingdom of the Netherlands is a federation? Well, it is because the UN Human Rights Covenants state explicitly that the provisions of the Covenants 'shall extend to all parts of federal States without any limitations or exceptions'.

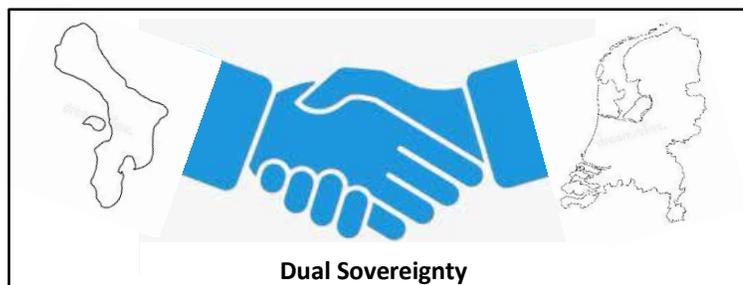
This costs money. Now you know why.

The truth is, however, that the people of Bonaire as a Federal Island State embedded within the Dutch Constitution are entitled to the same level of human rights protection as citizens living in the Netherlands. This principle also extends to economic, social and cultural rights.

And as the Kingdom is a federation, it also extends to Aruba and Curaçao. To get this right recognized the islands will have to join forces. Yet another reason to cooperate. We must stop weakening ourselves.

So now we add section 4 to the new art. 132b of the Dutch Constitution:

4. Article 50 of the International Covenant on Civil and Political Rights as well as article 28 of the International Covenant on Economic Social and Cultural Rights fully apply to the Federal Island State of Bonaire.



5. THE CONSTITUTIONAL COURT

The Rule of Justice

'When Holland starts playing chess with us, we start playing checkers. And then we always win'.

Superb humor by the Antilles' most influential writer Boeli van Leeuwen. The humor is right on the nose, because when a Dutchman speaks Dutch, it means something else than when an Antillean says the same thing. Impossible? No. It happens all the time.

Each speaks from a completely different mental and conceptual framework. On a personal level, the traditional superiority- vs. inferiority-complex still interferes. An Antillean will not easily contradict a Dutchman. And when he does, he usually does so in anger.

On an inter-governmental level, Holland always speaks to the islands from a position of factual, financial and psychological preponderance. Moreover, the Kingdom Charter itself contains various loopholes which practically transfer many of the islands' powers back to Holland.

The result is that the Antillean side must rely on unorthodox methods to get its way. That's why we play checkers.

An example. Art. 12a Kingdom Charter paves the way for the institution of a Constitutional Court to pass judgment on disputes between the Kingdom (*read: Holland*) and the islands of Aruba, Curaçao and St. Martin. The article (inserted in 2010) does not mention what kinds of disputes. It stands to reason that the article refers to disputes about the meaning and application of the Kingdom Charter and Kingdom Laws.

Precisely that question (what kinds of disputes?) is to be set out in the future 'Kingdom Law concerning Kingdom disputes'. A draft Kingdom Law framed by the Dutch Government was presented in 2016. Aruba, Curaçao and St. Martin jointly presented their own draft also.

What happened next, is not clear. But in 2019 Aruba sent a Parliamentary Report to the Kingdom partners, in which they finely and convincingly argue that Holland's draft Kingdom Act stinks.

Now, we are allowed to say it 'stinks'. Our function is to speak clearly and briefly. But the Aruban Parliament cannot use such language. And rightly so. Nor did they do that. They made their argument superbly and 100% diplomatically correct. It is so convincing that it cannot be refuted.

However, at the end the Aruban Parliament could no longer restrain its anger. They did not say: 'It stinks'. They said: 'The Minister is abusing the rationale of article 12a Kingdom Charter'.

This conclusion is correct. Holland's draft does stink. But they should have said: 'The Minister has *misunderstood* the rationale of article 12a Kingdom Charter'. There was no need for an extra kick in the nuts. Aruba's argumentation itself was sufficient to knock them out.

The kick was an expression of anger and frustration, which always simmers underneath the surface in Kingdom-relations. Yes, the Dutch do feed this. But we have to learn to overcome by example, not by nut-kicks.

A Russian proverb says: 'He who gets angry, is wrong'. If we truly understand this, we will have found our way to effectively play checkers. And then we will get our way. Because what we are asking is just.

In all federally organized countries there is an independent and non-prejudicial Constitutional Court. That is why there should be one in our Kingdom also. But the Dutch Supreme Court cannot be independent. The interests of the Netherlands will always be so preponderant that Dutch judges simply cannot ignore them. They will side with Holland.

That is why we propose to petition the European Commission to arrange that a special branch of the Court of Justice of the European Union (CJEU) may be tasked to adjudicate constitutional cases between the Kingdom partners. This would include Bonaire as soon as we will have obtained the status of Federal Island State.

This is the CJEU's mission: 'The CJEU interprets EU law to make sure it is applied in the same way in all EU countries. It settles disputes between national governments and EU institutions'. The exact same mission statement could be used for us: 'The CJEU interprets Kingdom law to make sure it is applied in the same way in all Kingdom states. It settles legal disputes between Kingdom governments and Kingdom institutions'.

So now we add section 5 to the new art. 132b of the Dutch Constitution:

5. The Court of Justice of the European Union settles all legal disputes between Kingdom Governments and/or Institutions and the Federal Island State of Bonaire on the basis of federal principles.



6. A BRIDGE TOO FAR?

The Harmonizing Senate-House

We must stop weakening ourselves. Intelligent cooperation cannot hurt us, as long as we all benefit. The European Union has benefited greatly by their Four Freedoms policy. Why would it harm us?

Aruba's secession in 1986 was mainly caused by structural inequality on the governmental level. And because islands are separate entities by nature. But on the interpersonal level the Arubans do not hate us. Why would they? They just want to run their own island. And right they are. Curaçao and Bonaire now want the same thing.

So how could it hurt us, if we adopted the European Four Freedoms policy? If people on all three islands (Aruba, Boneiru y Kòrsou) were free to do business and offer services on the other islands, without any import/export duties, without immigration and financial obstacles, would we not create extra opportunities for us all?

We say yes. But we also suggest to limit our future closer cooperation to just these Four Freedoms. To accomplish this, we would only have to establish a mechanism to harmonize certain parts of our legislation. The way the European Union has done this. Each island stays in charge of its own legislation, but agrees to harmonize certain parts of it.

We're referring here to the kind of legislation that is already pretty much in harmony between the islands anyhow. Things like the Civil & Civil Procedural Codes, Administrative law, Financial law, Income, Profit and Sales Tax laws and a few others.

To avoid tax-competition it would be wise to agree to equal income-, profit and sales tax-rates.

The 'Harmonizing Senate' is the institution that could bring this about. It would consist of nine members, three senators delegated by each Island-Parliament. Following each election, the governing coalition nominates one, the opposition nominates one and the two of them nominate a non-political and independent professional (for instance, a lawyer/accountant/doctor/pastor/whatever).

The nine senators elect their President from their number.

Simple and compact.

Near the Curacao airport, the Harmonizing Senate-House will be built.

Aha! Why Curaçao? Will they never stop dominating? Relax, friends. Curaçao has only three Senate seats, just like Aruba and Bonaire. They have no majority. Curaçao is paying us a courtesy by inviting us on their territory. We choose Curaçao for the simple reason of time and cost efficiency. Look at the map. Curaçao lies in between.

We do not need referendums for this change. The only thing needed is that each island approves an amendment to its Constitution (i.e. 'State Regulation' c.q. Bonaire's 'Federal State Constitution') to make the 'Pact of the New Union' part of its own constitutional system.

We cannot build physical bridges between our islands. But we can build mental ones. Thus the Harmonizing Senate is not a bridge too far.

So now we can frame Article 1 of the Pact of the New Union between Aruba, Kòrsou y Boneiru. It reads as follows:

Article 1

- 1. The Island-Parliaments institute a Harmonizing Senate to promote the harmonization of each island's insular laws to enable the islands to establish a Single Market based on the Four Freedoms, i.e. the free movement of goods, capital, services and people.**
- 2. After each election, each Island-Parliament delegates three Senators, one nominated by the ruling coalition, one by the opposition, which two nominate a third non-political and independent professional.**
- 3. The Harmonizing Senate adopts Guidelines by majority vote, which come into effect as of the moment they have been approved by at least two of the three Island-Parliaments and have been incorporated into their own island-legislation.**
- 4. The Harmonizing Senate-House has its seat in Curaçao.**



**You cannot see your reflection in boiling water.
Similarly, you cannot see the truth in a state of anger.
When the water calms, clarity comes.**

7. A MORE PERFECT FEDERATION

Deception or Misunderstanding?

The USA always strives for a 'More Perfect Union'. Well, so should we. But *we* should be striving for a more perfect federation. Because the thing we have now is a mongrel.

We maintain that the *nature* of this mongrel is federative. That was its original intention. But in practice and in certain Kingdom Charter articles it is unitary, federal and make-believe confederal all combined. The 4 Kingdom partners, for instance, are all called 'countries'. But, although the 3 Caribbean partners must be *something*, 'countries' they are not.

Are you in doubt? After all, the Kingdom Charter explicitly refers to them as 'countries' and everybody also calls them 'countries'. So they must be countries, mustn't they? As a matter of fact, perhaps as many as 99% of the population in both Holland and the Caribbean are *convinced* that they are 'countries'. How, then, can so many people be so wrong?

Well, there was a time when 99.99% of the population believed that the world was flat. How could so many people be so wrong on that one?

So, let's examine this. To be recognized as a 'country' internationally, you must 1) be a nation and have your own nationality, 2) be responsible for your own defense and 3) conduct your own foreign affairs. The Caribbean partners do *none* of these things. So they cannot be 'countries'.

Certainly, they are separate territories. But that fact alone does not make them 'countries'. So why, then, does the Kingdom Charter call them 'countries'? And, if the Kingdom is a federation, why are they not simply called 'federal states'?

We do not know. Perhaps the reason was that back in 1954, the Neth. Antilles and Surinam had the *ambition* to become 'countries'?

Was it perhaps to persuade the UN General Assembly during the post-war period that the Neth. Antilles and Surinam had attained a 'full measure of self-government', so that Holland would be relieved of its obligations pursuant to art. 73 UN Charter?

Who knows. Fact is that Aruba, Curaçao and St. Martin are not 'countries'. Nor were the Neth. Antilles. Nor was Surinam until 1975, when it received full independence and did at that moment indeed become a 'country'. Before then, it was also *something*, but not a 'country'.

Neither did the islands ever receive a *'full* measure of self-government' (art. 73 UN Charter). What they received in 1954 was a 'generous measure of autonomy', in which the word 'autonomy' should *not* be understood in its international sense of 'the political independence of a nation or country'. No. There is a play of meaning here. In Dutch constitutional law the word 'autonomie' means the right to *limited* self-governing and self-regulation *allowed* (and managed) by the national government to lower governmental layers such as provinces and municipalities.

So the international word 'autonomy' and the Dutch word 'autonomie' mean two completely different things. What the islands received in 1954, then, was a generous measure of 'autonomie'. Generous, if compared to Dutch provinces. But in many respects the national government (*read: Holland*) always remained in control.

Nevertheless, when the Kingdom Charter was framed, the *aim* was to set up a federation. Do you understand now why this mix is a mongrel?

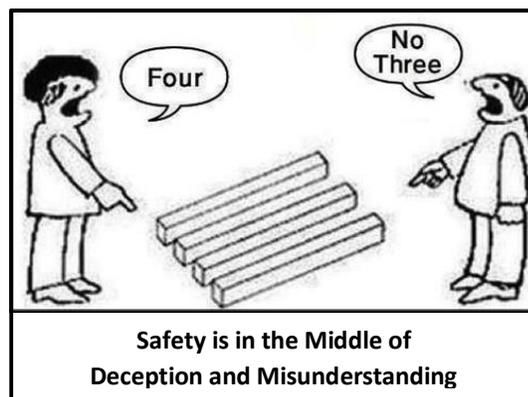
So how can we turn this mongrel into a pure breed federation?

Well, the Kingdom Charter will have to be amended and re-interpreted.

Amended by inserting new articles into the Kingdom Charter giving the Caribbean partners direct influence in Dutch politics. Each island should be given 2 seats in the 150-seat Dutch Parliament ('Second Chamber') and 1 seat in the 75-seat Dutch Senate ('First Chamber').

Re-interpreted by setting up the Constitutional Court forthwith. In the Kingdom Charter it must be stated unequivocally that the Kingdom is a federation. And that, therefore, the Constitutional Court should interpret the articles of the Kingdom Charter and Kingdom Laws accordingly.

In fact, the whole Kingdom Charter should be critically re-examined to determine which articles must be amended or removed in order to create a coherent and consistent federation.



8. WHY FEDERAL ANYWAY?

No Responsibility, No Accountability

Can a Kingdom be a federation at all?

Well, yes. Belgium is a Kingdom. It is also a federation. So, there's your answer. However, the question is not silly. Because federalism is the son of democracy. And we broke with Kings and nobility, because we wanted democracy. So, yes, a 'federal Kingdom' is a contradiction in terms.

Nevertheless, like Holland, Belgium, too, managed to craft a livable democracy, albeit it with kingly quirks. In fact, Belgium's state-system comes closer to a true republic than Holland's, as it became a *federal* democratic Kingdom, whilst Holland became a decentralized democratic *unitary* Kingdom.

Now the question: *why* should we promote federalism at all?

Well, first of all, because it helps diverse population-groups to get along and co-operate. In a non-federal or unitary democratic system deep-rooted identity-differences tend to lead to majority rule by one dominant ethnic, religious or language group at the expense of the freedoms and rights of all the others.

In our Kingdom this federal characteristic is of the utmost importance, as the Dutch are a reasonably homogeneous population-group of some 17 million, whose identity is very different from the +/- 350.000 Antilleans. Moreover, Antilleans are not only less homogeneous, they also speak different languages (English or Papiamentu), they are radically different ethnically and they are much more religiously inclined than the Dutch.

On top of all that, the islands are situated faraway on the other side of the Atlantic Ocean.

So Dutch dominance is almost a given. An unlikely scenario for success.

We should therefore perhaps be proud of the fact that, despite clear dominance and all our differences, we have managed to stay together within the Kingdom for nearly 70 years. Apparently *somehow*, despite its flaws, our quirky and imperfect Kingdom Charter does seem to work.

We grant this. We argue that this success is due to the fact that the Kingdom IS in fact a federation, albeit imperfect and with contradictory royal and unitary quirks. The only thing we propose, therefore, is to make

it a more perfect federation, so that it may continue to work for at least another two generations.

We should maintain our right to full independence, based on article 1 of the Covenant on Civil and Political Rights. But in the meantime, we should strive to obtain full federal rights.

This for the sake of clarity. Federalism distributes powers clearly. Everybody knows where he stands. There will always remain tension between the Federal (Central) and the State (Regional) Governments, but in a federal system such tensions remain manageable. And the Constitutional Court is there to make sure it does not lead to angry break-ups.

Can this not also be achieved in unitary states? Well, yes. But usually not by peaceful means. The unitary state of Indonesia, for instance, has also managed to maintain unity, but many uprisings on its various constituent islands had to be squashed militarily. Not so in our imperfect federation. Only once Holland had to send in troops to restore order in Curaçao. That was in 1969, when a popular ideologically based uprising broke out.

So, yeah, federalism is not perfect, but it works reasonably well.

But for it to continue to work, the islands should now be given full federal responsibility. Not the patronizing half-heartedness the present Kingdom Charter dictates. For just as a child is ultimately not accountable for its actions, because it does not yet have full responsibility, so our islands will never be fully accountable, unless they are granted full federal responsibility, based on the federal doctrine of dual sovereignty.

So now we can re-frame article 1 of the Kingdom Charter:

Article 1

1. The Kingdom consists of the following federal states: the Netherlands, Aruba, Curaçao and St, Martin.
2. The Constitutional Court interprets the Kingdom Charter and all Kingdom Laws in accordance with federal principles.



Accountability?
Not MY Department!

9. SHORT INTERIM SUMMARY

An Order not yet Understood

We recap shortly to avoid confusion. Although confusion is the beginning of wisdom, clarity does trump it. Ehh ... what has Trump got to do with this? Well, we don't know. It's confusing ...

We hope this word-play brightens up your day. Comic relief is welcome, for our Kingdom's 'constitutional structure' is very confusing indeed.

Let's recap:

- 1) In the Introduction we suggested that we will probably be better off under the wings of the Kingdom of the Netherlands, until we can safely and naturally merge as two separate federal states (one Windward and the other Leeward) into the Greater Caribbean Region, let's say two generations (50 – 60 years) from now.
- 2) In Chapter 1 we defined the intelligent cooperation principle known as 'synergy'. Synergy produces a combined result greater than the sum produced by an equal number of non-cooperating individuals. Or: 'the whole is more than the sum of its parts'. Synergy must be the binding principle of the New Union of Aruba, Kòrsou y Boneiru.
- 3) In Chapters 1 and 2 we explained that The Council of Elected Governors determines which executive tasks and/or responsibilities will be implemented in synergy by two or all three of the islands. Each island democratically elects its own Governor. The 3 Governors together form the Council of Elected Governors of the New Union.
- 4) In Chapter 3 we suggest that Bonaire should become a Federal Island State, remaining within the Dutch Constitution ('Gondwet'). As such it can be part of the New Union of Aruba, Kòrsou y Boneiru.
- 5) In Chapter 4 we noted that if Bonaire is to join the New Union of Aruba, Kòrsou y Boneiru on an equal footing, it should get its own Constitution. Bonaire's Constitution may be enacted by (Dutch) law. It would be called 'Bonaire State Regulation' (compare the 'State Regulations' of Aruba and Curaçao).

We also explained that as a Federal Island State within the Dutch Constitution, the International Covenants on Civil and Political Rights as well as on Economic Social and Cultural Rights will remain in full force and effect for Bonaire.

- 6) In Chapter 5 we note that in all federally organized countries there is an independent and non-prejudicial Constitutional Court. That is why there should be one in our Kingdom also. We propose to task a special branch of the Court of Justice of the European Union (CJEU) with the adjudication of constitutional cases between the Kingdom partners, including Bonaire as a Federal Island State.
- 7) In Chapter 6 we propose to adopt the European Four Freedoms policy for the New Union of Aruba, Kòrsou y Boneiru. Freedom to do business and offer services on the other islands, without any import/export duties, without immigration and financial obstacles, will create extra opportunities for all.

The three Island-Parliaments institute a Harmonizing Senate to promote the harmonization of each island's own laws to enable the islands to establish a Single Market based on the Four Freedoms, i.e. the free movement of goods, capital, services and people.

- 8) In Chapter 7 we urge the Kingdom to form a more perfect federation by giving the Caribbean partners direct influence in Dutch politics. Each island should be given 2 seats in the 150-seat Dutch Parliament ('Second Chamber') and 1 seat in the 75-seat Dutch Senate ('First Chamber').
- 9) In Chapter 8 we explain why federalism as a system works rather well. It has worked in the Kingdom also. But for it to continue to work, the islands should now be given full federal responsibility. Not the patronizing half-heartedness the present Kingdom Charter dictates.

Some families have not yet understood that they have to help each other in order to succeed.



10. FOREIGN RELATIONS

There are too Many Foreigners in the World

Eventually the world will have to go for Universal Brotherhood and Universal Spirituality. No more discrimination between humans on the basis of nationality nor religion.

Now, this may be just a pipe-dream, except that all the other dreams are worse. However, this dream is not yet. For the time being we will still have to deal with all those billions of weird foreigners living in hundreds of outlandish foreign countries.

In short, we will need a Foreign Relations Office ('FRO').

Now, how could we set this up for the New Union of Aruba, Kòrsou y Boneiru? There are two problems. First of all, the Kingdom Charter states clearly in art. 3, section 1, sub b, that Holland (in *theory*: 'the Kingdom') is in charge of foreign relations. This is as it should be in a federation.

Secondly, archipelagoes cannot form a constitutional union with one island at the top. This is because each island sees itself as an empire on its own. This is rooted in people's natural territorial instinct. Therefore, each island-empire must have its own FRO.

How can these two problems be solved in a balanced way?

First the second problem. Our own rather bitter experience has taught us that co-operation among islands is feasible only, if it starts from island-sovereignty, is voluntary and serves mutual benefit. Therefore, each island must have its own FRO. It does not have to be big. It should be just big enough to house at least one local Foreign Relations specialist appointed by the island-government.

To solve the first problem, we suggest the three islands together with the Kingdom set up and maintain a Coordinative Foreign Relations Office (CFRO) in the Harmonizing Senate-House in Curaçao. This CFRO serves to make sure that relations and agreements between the individual islands with foreign countries will not be detrimental to the interests of the Kingdom, nor to the interests of the individual islands.

Obviously, the Kingdom runs the show in the CFRO. But for the Caribbean Region Holland should run the show from Curaçao. Each island sends one representative to the CFRO, so that all information is shared and that each island can make the best use of all the CFRO has to offer.

For the islands this means that each is free to engage in foreign relations as it sees fit. However, the CFRO has to approve any and all treaties or agreements with foreign countries before they can be binding on one or more of the islands. The CFRO also draws up a list of countries the islands are not to have foreign relations with without prior approval by Holland.

Such an arrangement is not only beneficial to both Holland and the islands. It is also completely compatible with the federal doctrine of dual sovereignty. This way Holland will have a permanent and direct presence in the Caribbean, South- and Central-America, from which all kinds initiatives (diplomatic, commercial and others) can be undertaken.

Thus the CFRO becomes the spearhead of Holland's Portal in our Region. Both Holland and the islands will benefit from this.

To do this, the Kingdom Charter has to be amended. And here we may add that the whole Kingdom Charter should be critically re-examined to determine which articles must be amended or removed in order to create a coherent and consistent federation between Holland and our islands.

So now we can re-frame article 3, section 1, opening sentence and sub b) of the Kingdom Charter:

Article 3, section 1

Without prejudice to other provisions set out in the Kingdom Charter, the following subjects are Kingdom Affairs:

b. foreign affairs, which for the federal states of Aruba, Curaçao and St. Martin shall be conducted from the Coordinative Foreign Relations Office in Curaçao in conformity with the provisions stipulated by Kingdom Law;

Comment: We include St. Martin here, because it seems not to be very efficient to set up a separate CFRO in St. Martin. Bonaire's participation in the CFRO will be regulated in the (Dutch) law constituting Bonaire as a Federal Island State.

This weird foreigner does not know whether he is legal or illegal. Life is full of incomprehensible discriminations. Humanity has a long way to go.



11. NEUTRALITY

Damned if you do and damned if you don't

Assuming this to be legally possible, would it be prudent or cowardly if the New Union of Aruba, Kòrsou y Boneiru were to opt for neutrality? Was Ireland cowardly for remaining neutral during WW-II? England knew the answer: Yes, cowardly! The Irish argued that for a new nation, too small and ill-equipped to defend itself, neutrality was simple prudence.

So, does this answer the question? Of course not. But our islands are even smaller and much more ill-equipped than Ireland. Yes, the Kingdom does form part of NATO which would normally deter most potential enemies. Unless, there is a Third World War, of course.

And isn't WW-III the only scenario we should really be worrying about? Under present circumstances, no country would attack our islands, if we have been officially recognized as neutral territory.

So, what is wisdom?

First a look at Costa Rica. In 1948, after victory in a Civil War, the then ruling Costa Rican junta, led by José Figueres Ferrer, decided to abolish its Military. In 1949 the de-militarization was included in the Costa Rican Constitution. Since the Civil War (with 2,000 deaths) Costa Rica has not experienced any significant political violence (not counting riots).

The Costa Rican budget previously dedicated to the military is now used for security, education and culture.

In 1983 Costa Rica proclaimed itself to be a 'perpetual, active and non-armed' Neutral State. It has maintained its right to self-defense and is active in promoting democracy.

Now, the federal doctrine of dual sovereignty could theoretically be the legal basis upon which the New Union of Aruba, Kòrsou y Boneiru might propose neutrality. For in principle a federal state is sovereign. Be that as it may, this one should not be entered into without Holland's backing. For the defense of the Kingdom is a Kingdom Affair (art. 3, section 1, sub a Kingdom Charter). We do not recommend to change that.

But we can imagine that Holland itself might deem it advantageous to declare the neutrality of the New Union of Aruba, Kòrsou y Boneiru. After all, why provoke countries like Venezuela? Moreover, it is factually quite costly and very difficult for Holland to effectively defend our islands.

And, strictly speaking, the NATO-treaty does not apply to our islands. Art. 6 reads: 'For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

- on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

Aruba, Curaçao and Bonaire are situated way *beneath* the Tropic of Cancer. So, officially, our islands do not form part of NATO-territory.

We believe that in case of an attack on our islands, the treaty would not be so narrowly interpreted. But the text itself does exclude our islands from the territory NATO aims to defend.

We, too, were astounded when we found this out.

We do not suggest this apparent fact is an argument pro neutrality. We just believe that neutrality has more advantages than disadvantages for both Holland and our islands. Both politically and cost-wise.

And we are not alone in this assessment. G.A. Resolution 71/275 states that neutrality is '*critically important for the United Nations to gain and maintain the confidence and cooperation of all in order to operate independently and effectively, especially in situations that are politically charged*'.

So, if Holland should share this view, we could follow Costa Rica's example and be *actively* neutral. In other words, actively promote democracy and offer to support the U.N. whenever feasible for us to do so.

And we could again follow Costa Rica's example by channeling our defense-spending to culture and education. Because, yes, pursuant to art. 35, section 2 of the Kingdom Charter, Aruba, Curaçao and St. Martin are obliged to contribute to the Kingdom Defense-budget.

We do recommend to maintain the Coast Guard, for the costs of which Aruba covers 11%, Curaçao 16% and St. Martin 4%.



A free choice

12. IS TULA A HERO?

Our Sword is also a Cross

Let's put the question at rest from the start. Yes, he is a hero. He stood up against slavery. And paid the ultimate price. He was brutally murdered for organizing a failed slave-rebellion on Curaçao in 1795.

Why did he fail? Because he was betrayed by another slave and in the end most of his companions abandoned him.

The rebellion took place during a very brutal time. The French Revolution was in full swing. Robespierre, for instance, is reported to have encouraged the execution, mostly by guillotine, of 17,000 enemies of the Revolution. In the end, he himself was also guillotined.

In public, on the market-place. The crowd cheered.

It is hard for us now to imagine the brutality of the age. But that notwithstanding, the French and American Revolutions did set a crucially important societal change into motion, which culminated in two vital things: 1) The recognition of inalienable Human Rights; 2) Rule by, through and for the People (democracy and elected government).

And it was these changes that led to the abolition of slavery the world over in approx. 150 years' time. The last country to abolish it was Mauretania in 1981.

Slavery was the order of the day worldwide as from the beginning of history, i.e. as from more than 6,000 years ago and probably extending far into prehistorical times as well. Everywhere, including India, China, Japan, the Middle-East, Europe, the America's and Africa. No tribe, nor nation was innocent of this sin.

The French and Americans paid a great price to finally end it. Hundreds of thousands died for it, were wounded and suffered pain and hardship. On top of that the Americans had to fight a civil war over it also.

For that effort and sacrifice we owe them a great debt of gratitude.

And all who did not participate in the effort should be ashamed for not having had the understanding and guts to stand up and fight for freedom, equality and fraternity, until the French and Americans did just that. And in our region also the Haitians. And our own Tula.

So, yes, we owe them all. And the rest should be ashamed.

So, if we now consider the question as to whether the Dutch government should officially apologize for slavery on behalf of its present citizens and ancestors, should we then not also ask who else should apologize? Why only the Dutch government? Why not the descendants of the slaves who betrayed and abandoned Tula?

Why not the Africans who sold slaves to the Dutch traders? What have they to be proud of? What did they do to end slavery?

Africans played a direct role in the slave trade, kidnapping adults and stealing children for the purpose of selling them to Europeans or their agents. Do some research on internet, if you do not believe us.

Why should they not apologize? And why do those who always insist on an apology by the Dutch government not decry these crimes committed by Africans against their fellow Africans?

Much more important than an apology would be the voluntary acceptance *from the heart* by Holland of the responsibility to actively and generously help the New Union of Aruba, Kòrsou y Boneiru. Not by way of development aid, but by way of budgetary aid.

Accept the truth that the Antilleans have a right to be treated equally, not only as a civil right, but also as a social and economic right. Not something we should have to beg for. Nor that we should have to morally extort it by reminding Holland that the Dutch participated in slavery.

No, simply because these are basic human rights. After all, art. 43, section 2 of the Kingdom Charter explicitly states that guaranteeing these rights is a Kingdom Affair. In practice this means that Holland has to guarantee these rights. And art. 50 of the Int. Covenant on Civil and Political Rights, as well as art. 28 of the Int. Covenant on Economic, Social and Cultural rights, stipulate that 'The provisions of the present Covenant shall extend to all parts of federal States *without any limitations or exceptions*'.

Our Kingdom is a federation. Aruba and Curaçao are federal States.

One of Diana Lebac's last fb-posts before her death reads like this: 'To get over the past, you first have to accept that the past is over. No matter how many times you revisit it, analyze it, regret it, or sweat it, it's over. It can hurt you no more'.



Our Sword is also a Cross

13. MORE SYNERGY BENEFITS

Why Reject the Goodies?

We know why our synergetic argument will succeed. Because NOBODY in his right mind will choose the hard way, when there is an easier way.

We have already seen how the Harmonizing Senate-House may also be used to house the Coordinative Foreign Relations Office (CFRO). This will enable each island to pursue its own foreign policy cost-effectively and quickly, whereas Holland itself can also benefit. See Chapter 10.

But this foreign relations work may also be extended to create economic opportunities. Not by the Ministry of Foreign Affairs, but the Ministry of Economic Affairs, which has set up various so-called 'Netherlands Business Support Offices' (NBSO's) around the world. Again, this would be for the benefit of all three islands as well as for Holland.

Such NBSO's are already operative in Brazil, Argentina, Mexico and the USA. In synergy with Holland, we might be able to use these facilities. Perhaps we ourselves could set up a small NBSO in Venezuela. If we choose neutrality, as suggested in Chapter 11, there is no reason why we shouldn't trade with Venezuela.

Perhaps in Surinam as well. We should make good use of our multilingual advantage. If we can persuade Holland to use our islands as a Portal, we might suggest to open up an NBSO in South-Africa together with Holland. And we might even consider setting up another one of our own in Guinee-Bissau where they speak a Papiamentu-like language.

These are suggestions, no more. We must begin to think internationally and do so in synergy with Holland, making the best of our and Holland's strengths.

And then we should actively look for new trade. Try to attract all kinds of business to our islands. Where possible together with Holland. Of course, we have tourism, financial services, free trade zones and small industries, but we should diversify as much as possible and keep on looking for new markets, products and opportunities.

Make the best possible use of our geographical location and our excellent harbor-, airport- and IT-facilities, or expand these, if required.

Can you see a web forming with our islands as the hub? Add our Portal to Europe via Holland too.

Synergy-advantages are: cost savings, growth opportunities, stronger market position, stronger bargaining position, strengthened competence and better decision making.

Why reject these goodies?



14. RELATIONS WITH THE EUROPEAN UNION

A Giant at the Point of Collapse?

Again, we have to make the best use of our strengths. One of our strengths is the fact that we have a Portal to Europe via EU-Member-state Holland.

Art. 355, section 6 of the TFEU (let's say 'EU-Treaty') makes it possible for our islands to become an integral part of the European Union as a so-called 'Ultra-Peripheral Territory' (UPT), also called 'Outermost Region'.

At present, all 6 islands of the former Neth. Antilles are still classed as 'Overseas Countries and Territories' (OCT). As such we are 'associated' with the EU, but do not form an integral part of the EU.

Would it be advantageous for us to become UPT's?

It is not easy to determine which regime, i.e. OCT or UPT, suits us best. But one thing should NOT determine our choice and that is the false pride still cherished by mainly Aruba, Curaçao and St. Martin stemming from the belief that they are 'countries'. They are not. They are federal states within the Kingdom of the Netherlands. Always have been.

False pride will get us nowhere. It was prudence on the part of our political leaders back in 1954 that the Neth. Antilles did NOT become an independent 'country'. Instead it became an integral part of the Kingdom of the Netherlands as a federal state.

Definitely a mongrel federal state. But still a federal state.

We'd better get used to that fact and throw out the false pride. It is based on sand. It sours our contacts with Holland and stops us making the right decisions for our people.

Integration into the EU as a UPT was brought up by Bonaire during the negotiations leading up to the 10-10-10 transition. But after some deliberation, it was decided to postpone this. The transition to Bonaire's new status as a 'Public Entity' was complicated enough already. And the option to become a UPT would remain open anyway.

The time is ripe now to consider this option again. If Bonaire is to lead once more, so be it. If Bonaire's bid is successful, it will not block the formation of the New Union of Aruba, Korsou y Boneiru. But we do believe that Aruba, Curaçao and St. Martin should also consider this option carefully. The more we support each other, the better.

And the UPT-option is not the only possible way to integrate into the EU. The Åland-islands are a part of Finland. They also form part of the EU (art. 355, section 4 EU-Treaty). But a special (non-UPT) regime is in place for Åland. The EU allowed this for historical reasons.

In other words, there is a precedent here. If the Åland-islands are allowed a special regime, why not our islands also?

A few examples of the Åland's special regime:

- Åland is demilitarized. It has been declared neutral territory;
- Åland derives its income from its own taxes and a lump sum received from the Finnish Government;
- The Åland Parliament has the right to pass legislation on education, culture and the preservation of monuments; health and medical care; the environment; the promotion of industry; transport; local government; policing; postal communications; radio and television;
- Åland has one representative in the Finnish Parliament;
- The Right of domicile in Åland is acquired at birth, if it is possessed by either parent. Immigrants who have lived in Åland for five years, are Finnish citizens and have an adequate knowledge of Åland's language (Swedish, not Finnish) may apply for the status;
- The Right of domicile is required for owning real estate and conducting business in Åland (but permits may be granted to outsiders).

This precedent shows that a special regime may be negotiated, if Bonaire or all Antillean islands should want to join the EU. Certainly something we should seriously consider.

This proves also that our islands could be demilitarized, as suggested in Chapter 11. Finland's accession to NATO will not change this. The Svalbard and some of Greece's islands have retained their demilitarized status in spite of Norway's and Greece's NATO-membership.

Another interesting feature is Åland's direct representation in Finland's Parliament. We suggested this for our islands in Chapter 7.

Now, why bother? Isn't the EU about to collapse?

Well, yes, it might. Probably so, even. But why bet on someone else's misfortune? Isn't that a twisted form of envy? Let's befriend Europe. How could it hurt us?



15. CARIBBEAN RELATIONS

What is Holding us Back?

Once the Neth. Antillean government wanted to talk to Hugo Chávez. In response he asked whether we had been given permission by the Dutch government to talk to him? This was Chávez's way to make a point, namely that we were still a Dutch colony. The implication was that we did not have the guts to seek political independence.

Chávez had a point. To become an independent country, as so many small island-nations in the Caribbean have done, does take courage.

In 2005 the Antillean Vice Prime Minister, Errol Cova, got into political hot water when he said to the Venezuelan Vice-President José Vicente Rangel, that Dutch colonialism had given the Antilleans an inferiority-complex as to the Dutch and a superiority-complex as to Latino's.

Mr. Errol Cova, too, had a point. Probably most Dutchmen still have a superiority-complex as to Antilleans as well. So when a Dutchman speaks to an Antillean, unconsciously a clash of two complexes is taking place.

Granted, these kinds of things do still play a role in our society. To what degree is debatable, but some of this is still going on. But does that mean that we would be better off opting for political independence?

Are we prudent or cowardly to maintain our dependence on Holland?

Well, perhaps a bit of both, if that is possible. We are reminded of a popular Caribbean cartoon in which two derelicts get ready to sleep in their cardboard-boxes somewhere in a back-alley, where one says to the other: 'Well, we're still poor, but now we have self-respect'.

Would we really get self-respect by opting for political independence? Well, we used to think so. But circumstances in other small island-nations made us think twice. And the current situation in Venezuela does not really convince us we should change course either.

Moreover, is the push for independence during this time-period even still logical, while all nations are becoming ever more interdependent and interconnected? Whether they like it, or not.

So, we have decided to stay put. And instead we try to accommodate our relationship with Holland as best we can. We just leave it to others to decide whether this is prudent or cowardly. This is the way we have decided to fulfill our destiny. At least for the time being.

However, this does not mean that we should remain isolated within our Region. On the contrary, we should engage much more with other Caribbean and Latin countries. That is why we recommended in Chapter 10 to set up a Coordinative Foreign Relations Office (CFRO) in Curaçao.

The first Regional Organization that comes to mind is the 'Caribbean Community', usually called 'Caricom'. Art. 231 of the Revised Treaty of Chaguaramas (the 'Caricom-Treaty') reads: *'Conference may admit any Caribbean State or Territory to associate membership of the Community on such terms and conditions as Conference thinks fit'*.

Why not apply for Associate Membership of Caricom? We believe that this should be seriously considered. Bonaire also, as soon as it has obtained its status of Federal Island State.

The second organization is the Association of Caribbean States ('ACS'). Aruba, Curaçao and St. Martin already are Associate Members. Bonaire may join later. The goals of the ACS are important indeed. The first is: 'The preservation and conservation of the Caribbean Sea [...] a mandate of primordial importance [...] a manifestation of the duty of all Caribbean citizens to protect this very tangible shared birthright'.

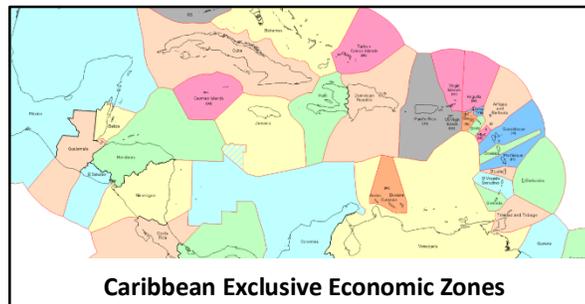
We suggest to change the first phrase adding 'economic exploitation', thus: 'The preservation, conservation and economic exploitation of the Caribbean Sea'. Because that is just as important.

Perhaps, but probably we are dreaming wide awake ...; perhaps all ACS-states could unite and exploit the maritime resources of the Caribbean Sea together? Funnel all net-revenues into a Pan-Caribbean Development Fund? Fun fact: there are various ongoing unresolved maritime border disputes between ACS-states ...

Nevertheless, sometimes dreams do come true ...

There is also the Organization of American States ('OAS'). The Kingdom of the Netherlands is a 'Permanent Observer' to the OAS. As such the Kingdom participates in its activities and contributes to its programs. Via the CFRO our islands could probably get a free ride to participate in the OAS as well.

So, what is in fact holding us back?



16. OUR OWN EXCLUSIVE ECONOMIC ZONE

What we should Not do

We can take it eazy. There are no known exploitable mineral reserves in our own EEZ. So there is no reezon for any dispute between our islands. And, anyway, the EEZ-borders between Aruba, Curaçao and Bonaire have already been marked (*cf.* map). So if any mineral reserves are found in future, we can eezily determine to which island they belong.

So then, would it not be wise, for the three of us to come together *now* and agree what we would do if any reserves *were* found in future?

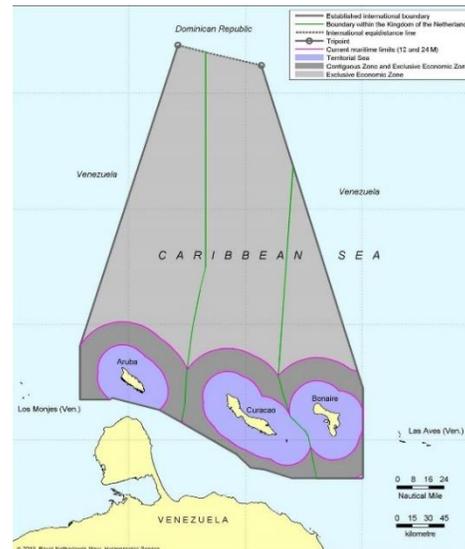
Okay, Bonaire would have to become a Federal Island State first. But what should we do next?

We submit the following. If any exploitable reserves are found in any one of the three islands' EEZ-es, we agree as of now that any investment would be paid for by the 3 islands together, each contributing in proportion to its population-size. And that any net-revenues would accrue to each island in the same proportion.

And then the question arises as to *whom* precisely such net-revenues should accrue? To the three governments? Why? Why not directly to all adult citizens of the 3 islands? After all, who really *owns* these reserves?

We say: the people! In a democracy the government serves the people, not the other way around. In a serious democracy the people own all public land and resources. The people pay their government to order society, to keep the peace and to manage all public land and (sea) resources for them. So the net-revenues belong to the people. And it is only fair that the people pay a reasonable percentage of these revenues to their government for the valuable work it does. We propose 10%. Not more, for the people pay all kinds of other taxes already.

Now, the counter-argument that the government pays for the investment and that, therefore, it should receive the revenues, is nonsense. Because the investment would either be financed by tax-revenues (paid by the people) or by taking out bank-loans. So this is a non-argument.



And we submit a second point. It is very expensive and difficult to exploit (deep-)sea resources. Our islands do not have the know-how nor any experience in this field. Would it, therefore, not be EEZ-ier and wiser even, to engage with partners who really do know?

So, yeah, why not join forces with Shell? Or NAM? Or another Dutch experienced company in the business? The islands invite one of these to form a consortium with. Why a Dutch company? Well, first of all, why not? We all three form an integral part of the Kingdom. But secondly, Holland has international clout and expertise. Holland would defend its own and our interests better than any foreign company.

But we also have to deal with Venezuela. Venezuela derives so much income from natural resources that it is very jealous of them. And understandably so. After all, in 2015 Venezuela had 30 million people to look after. Thereafter it declined to 28 million, or even less, due to mass-migration as a result of unwise politics. But these 28 million are pretty miserable right now. They need help and we need friends.

So we should befriend Venezuela. Understand their situation. We don't have to agree with their politics, but Venezuelans are still our neighbors. And we gain much more when we deal with friendly neighbors than with enemies. So we suggest to include a Venezuelan company in the consortium as well. Sharing our riches with our neighbor is the best way to avoid disputes about our exploitation rights.

So we suggest a consortium between 1) the People of Aruba, Curaçao and Bonaire, 2) Holland and 3) Venezuela. Each 33.3% in investment costs and revenues. A 'dream team', don't you think?

Modesty and friendship will guarantee Peace and Prosperity.

What we should Not do, is catch gold-fever. Try and keep everything for ourselves. Listen to all kinds of 'experts' crawling out from under every stone. Team up with a few BVI or Panamanean con-companies. And, last but not least, add a good portion of local corruption into the mix.

That is what we should Not do.



Do not be like a Miser who saves
for those who will bury him.
(African Proverb)

17. OUR ISLANDS IN WORLD WAR III

Will it pass us by?

Believe it or not, on 3 January 2022 the Leaders of the Five Permanent Members of the UN Security Council affirmed in a Joint Statement that *'a Nuclear War cannot be won and must never be fought'*. Fifty-two days later, on 24 February 2022, Russia invades Ukraine.

So, let's first state our belief (not a prophecy!) that WW-III is indeed in the making. But it will not be a nuclear war. So, relax. War is bad enough, but a nuclear war would take us back to the Stone Age. The traditional five Nuclear-Weapon States will not risk this. They will allude to it – to spook you! – but they won't do it.

But then, there are other Nuclear States: North-Korea, Pakistan, India and Israel. Iran is not far off. Would they perhaps risk it?

The honest answer is: Yes, they might. But if they do, it will be limited to a few instances. So again, relax. We will survive. And note again: this is not prophecy! We base our possible scenario on trends that are discernible right now to anybody who pays attention.

It is conceivable, for instance, that North-Korea might fire a nuclear ballistic missile to the United States. Perhaps Israel may decide to strike Iran with one or more nuclear bombs to stop it from developing their own. It is possible. Pakistan and India will probably follow the logic of the 'Big Five'. We do not know, but we find that likely.

The deepest reason why the world is heading into a Third World War is that the thinking of at least 95% of humanity (but probably more) is still dualistic. They think in terms of Black vs. White, Good vs. Evil without the possibility of combining, reconciling and transcending these opposites. Dualistic thinking inevitably leads to war. Sooner, rather than later.

So where does that leave our islands? For the third time: relax! We will probably be just fine. We will have to endure some hardship, like hunger. And maybe we will have to drink briny well-water. Many of our luxuries will be curtailed, like driving cars to wherever we want to go, drinking 10 beers per night and buying all kinds of inessential goods such as botox. We will probably have to stand in long lines to obtain products such as cooking-gas, rationed food etc. But we will adapt and get by.

Suggestion: build a rainwater-cistern now! You can't lose. If our scenario is wrong, you will still have your cistern.

Now, when considering our islands' relationship with Holland, this WW-III scenario has to be included in the equation. We believe this Third World War will be a long and protracted battle. Not some 5 years like WW-II. Probably more like 50 years or so of intermittent trouble.

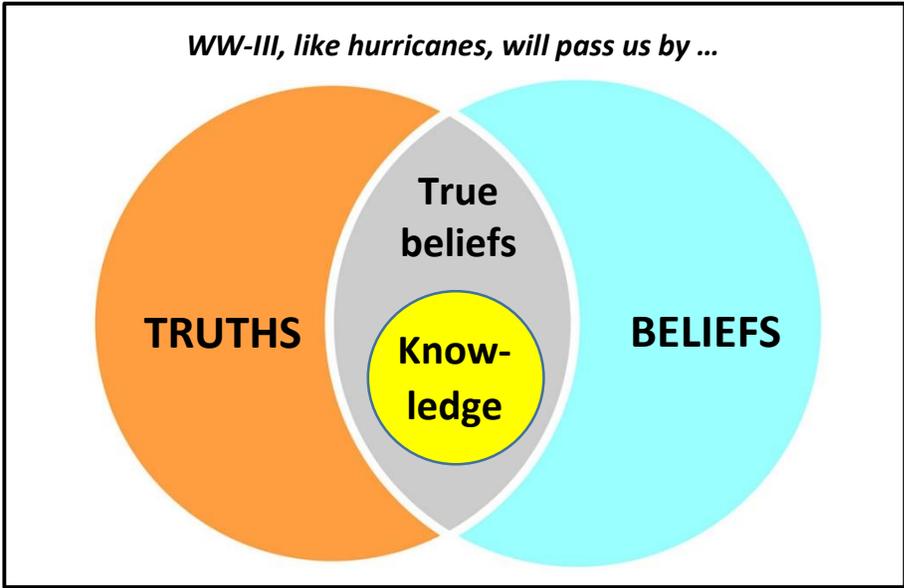
So the question is: Would we be better off in a continued integral relationship with Holland, whether within the Dutch Constitution (Bonaire) or within the Kingdom Charter structure (Aruba and Curaçao)? Or would it be better to break away completely or half-way within a loose confederal structure?

We believe we would be better off in a continued integral relationship with Holland, provided we are recognized as NEUTRAL TERRITORY. For two reasons: 1) The alignment of Venezuela with Russia and Iran. And 2) because of our democratic tradition, which we would probably lose if we should fall into the maelstrom of international war.

Under the wings of Holland and NATO, and recognized as neutral territory, we will probably pass through this impending difficult period without very serious repercussions for our islands.

Our islands are always lucky. When a hurricane comes our way, it always veers off at the last moment, because it *knows* these islands do not deserve it. Or are not deserving of the hurricane. Either way, this is scientific nonsense, but there is empirical evidence to prove it. After all, hurricanes hardly ever hit us (i.e. Aruba, Curaçao and Bonaire).

We are a fortunate people indeed.



18. PEACEFUL WAR

We reap as we sow

This century will be about three things:

1. Global freedom and individual empowerment vs. autocratic rule.
2. Global economic prosperity for all vs. economic privilege/elitism.
3. Global working with nature vs. working against nature.

Thus we introduced our complaint against Venezuela submitted to the UN Human Rights Council. You can find it here: www.arcocarib.com Go to 'Free E-books' and click on 'Ending the Blind & Pointless Battle'.

The *kinds* of struggles that lie ahead to settle these 3 crucial issues are legion: mass-migration, mass-starvation, pandemics (natural and man-made), all kinds of new warfare (biological, chemical, cyber, informational, economic, conventional) and prolonged civil unrest.

Nevertheless, we repeat: Relax! First of all, this has to happen. We asked for it. It cannot be averted anymore. Why worry about something we cannot escape from? Secondly, when you are in it, either you die or you get used to it. Most get used to it. And thirdly, we (Aruba, Curaçao and Bonaire) will pass through it mainly unscathed.

We believe in this scientific nonsense. And when you *believe*, it happens.

This is the time for answering big questions: Is the present anarchical world-order of sovereign and fully-armed nation-states tenable? Should the production and sale of weapons be prohibited the world over? Has the policy of decolonization after 1945 worked? Why are there so many failed states? What can be done about it? Why is war so common? Why did non-proliferation of nuclear weapons fail? Why did the reduction of nuclear weapons stockpiles stall? Is Capitalism really working for all?

Also: Where has spirituality gone? What role should the judiciary play? What of human rights?

When you seriously consider these questions, you will soon see that we have landed in big shit. So there will be very nasty consequences.

One of them is mass-migration. In our region this started in 2018 with Venezuela. Our islands have not been overwhelmed, thanks to our Latin neighbors Colombia, Peru en Brazil, who took in millions of impoverished Venezuelans. However, Venezuela was only the beginning. As the world economy begins to crash, there will be millions upon millions more.

We can see a huge caravan of millions of Latino migrants descend upon the USA-border. The authorities try to keep them out. There's a wall, road-blocks and other obstacles. But the migrants rebel and blow up parts of the border-wall. They all rush through, hundreds of thousands of them. The border-patrols shoot to kill. Thousands fall dead, but they keep on coming, until the border-patrols stop shooting, because they instinctively know that you cannot kill unarmed people.

This will be one form of 'Peaceful War'. But there will be more: strikes, riots, occupations, lootings, burnings, Molotov-cocktails etc. When people are hungry and desperate, things get out of hand.

In Europe similar situations will occur. Thus national borders will be broken, which is one requirement for re-structuring the world. The failings of Capitalism will also become clear as those of Socialism became clear during the eighties and nineties of the last century.

These kinds of problems are a consequence of poverty, caused by long years of mis-organization and massive corruption, as well as unbridled greed.

We reap as we sow ...



Venezuelan political and mostly economic refugees ...

19. OUR IMMIGRATION POLICY

Restrictive yes, abusive no

As long as the world is divided up into 193 nation-states, there will be discriminatory immigration laws.

Because immigration is discrimi-nation.

Although we do not agree with the existing nation-based international order, we do believe that at this time for the small islands of Aruba, Curaçao and Bonaire a restrictive admission policy on immigration is justifiable. For if too many foreign nationals come in too quickly, there will be chaos. This does not help the immigrants nor the locals.

But Dutch-national residents of our sister-islands should be free to choose their residence anywhere they want and without any restrictions on all 6 islands of the former Neth. Antilles. They had this freedom ever since 1634. And it never caused any insurmountable problems. Aruba took this freedom away from us in 1986 when it imposed immigration restrictions on Dutch national residents of the other 5 islands. In 2010 the other islands unthinkingly followed this wrong example.

As a consequence, Aruba, Curaçao, St. Martin and the BES-islands now all have their own immigration laws, which also restrict immigration of Dutch-nationals from the other islands. These laws establish borders, as though our family-members on the other islands are foreigners.

We should never have allowed this to happen. Bonaire wanted to leave the Neth. Antilles to form a union with Holland. That does not mean that Dutch-national residents of the other islands are our enemies. Aruba, Curaçao and SXM had their own reasons for leaving. But it is plain wrong to deny your own family-members from the other islands free access. Following Aruba, we all made this same grave mistake. It is also a clear violation of art. 12 of the UN Convention on Civil & Political Rights.

When Bonaire prepared to leave the Neth. Antilles, we said clearly (and we meant it): 'We are not against Curaçao. We are pro Bonaire'. We, Bonaireans, should now prove it and be the first to undo this mistake. Although Bonaire's Admission and Expulsion Act cannot be changed by Bonaire, as immigration is now Holland's responsibility, the Bonaire government can make a public statement announcing that the Dutch Parliament will be asked to change the law, so that all Dutch-nationals from our sister-islands will again have free admission to Bonaire.

As for foreigners, we support migratory restrictions. But not abuse! Restrictive admission is not the same as restricting people's freedoms. A very important freedom is the right to freely choose one's 'remunerated activity', as the UN Immigration Treaty calls it. We hold that ANY infringement of this 'freedom to work' is a form of servitude, which is prohibited in art. 8 of the UN Convention on Civil & Political Rights.

We do not believe it is right and just to make distinctions between degrees of servitude. That's like saying that mild forms of slavery are OK. No, all kinds of slavery, mild or severe, are unacceptable. The same goes for servitude. Mild servitude is just as prohibited as severe. Period.

Nevertheless, on our islands immigrants are submitted to a mild form of servitude. They can only come to work for a specific employer. And every year, their right to residence is dependent on the employer's permit to be allowed to employ him. If a local citizen applies for and gets the job, the immigrant loses both his employment AND his right to residence.

In this way, the immigrant is insecurely bonded to an employer. One can argue that this is a mild form of bondage, but bondage it is. It violates his freedom to work. There is no objection to restrict immigration by requiring that an employer should first prove that he can employ the immigrant and that there are no locals available who qualify for the job. But once the immigrant has been allowed in, he should be treated equal to locals. That's the humane consequence of allowing them in.

But this is NOT the way we treat our immigrants. There is no space in this short article to outline all the instances of law-based abuse we perpetrate against immigrants on our islands. Many people are well aware of it, but do not speak out. And it is very hard for the immigrants to organize themselves to stop the abuse. For they risk expulsion.

We live in a Christian society and we ourselves should decide to stop it.

If one day you find yourself in the unfortunate situation that you have to migrate to earn a living to feed your family, would you want to be treated the way we treat our immigrants?

Do to others, what you would have them do unto you ...



20. OUR MONETARY POLICY

Do we Really Need a Central Bank?

What's the lesson from Bonaire about dollarization? Well, the first lesson was this. When you change your currency, prices hike. When the dollar was introduced, guilders just became dollars. When you used to pay two guilders for bread, now you had to pay two dollars.

Now, this is not really true, but it *felt* like that. Prices did shoot up as though it really *was* like that. The exchange-rate was fixed at 1.75; so all prices in guilders had to be multiplied by $1/1.75$ to calculate the dollar-price. For instance: Naf. 100.- x $1/1.75$ = \$ 57.14. So what did most merchants do? They rounded it up to \$ 60.- or even to \$ 75.-. Who knows? The new prices in dollars were sky-high. Only certain fixed things, like the monthly rent, remained the same, but now in dollars.

In Holland people felt the very same thing when the Euro replaced the Dutch guilder. In wasn't entirely true there either, but it was true enough for anybody who lived there.

In short, the lesson is: the people get screwed when the currency is changed. In theory this shouldn't happen, but in practice it does.

So, should we draw the conclusion that Aruba and Curaçao should maintain their own currency? We believe the answer is: 'No'. But we shouldn't kid people. A currency change hurts.

But does it continue to hurt? Are there long-term gains? We believe so. The dollarization in Bonaire coupled to our integration into Holland has attracted much investment. Many new opportunities have opened up to Bonaireans. It is true that only a relative small part of the local population has seized these opportunities, but they are there.

To seize them, we must adapt. Bonaireans should not lose their virtue of humility (it is in our anthem: '*Pueblo humilde, semper kontentu, di un kondukto tur parti gabá*'). But we must learn to assert ourselves. Seize the opportunities without becoming arrogant, vain and hypocritical.

Can it be done? Yes, we can!

While preparing the 10-10-10-transition, other currency alternatives were considered. Bonaire could start circulating its own currency fixed to the dollar at the same rate as the Antillean guilder. This option was seen as a joke. What would we call it? The 'Bèh'? It was soon rejected.

Then the Euro was considered. That was also rejected, because Dutch experts told us it would be better to adapt to our environment, where the dollar dominates and the Euro is a rarity. Bonaire would be much more attractive to foreigners, if we used the dollar instead of the Euro.

This advice was followed, because we realized that if it would not work out well, we could still change over to the Euro.

However, we believe that overall, the dollar has worked out well.

That is why we suggest that Aruba and Curaçao also adopt the dollar. Because governments have a duty to economize wherever they can. As far as we know, Bonaire does not pay a penny for using dollars. Also we have no Central Bank to pay for. Why maintain such luxuries, if you can make do without?

So the question arises whether we really do need a Central Bank at all? The currencies of both Aruba (Aruban florin) and Curacao/SXM (Antillean florin) have been coupled to the US-dollar at a fixed exchange-rate ever since 1971.

So in a sense they are US-dollars already.

Undoubtedly these Central Banks fulfill other functions, like supervision of banks, credit institutions and insurance companies. Also controlling the amount of liquid assets and setting the discount rate. We do not have the required knowledge to be able to advise on the question whether we really do need a Central Bank, or that we can do without.

But in view of Bonaire's experience, we believe the question is worth studying. If the added value turns out to be negligible or even negative and if closing or merging these Central Banks saves tons of money, we would be unwise to maintain them or refuse to merge them.



*The Central Banks of Curaçao/SXM (left) and Aruba (right).
Do we really need them?*

21. SECOND SHORT INTERIM SUMMARY

The New Union in its International Context

In Chapters 1 thr. 8 we concentrated on the structure of the New Union of Aruba, Kòrsou y Boneiru. In Chapters 10 thr. 20 (except for Chapter 12) we discuss the position of this New Union in the international arena.

Let's recap:

- 1) In Chapter 10 we suggest that a Coordinative Foreign Relations Office (CFRO) be set up in the Harmonizing Senate-House in Curaçao. Each island will be given the power to freely engage in foreign relations, on the condition that any treaties or agreements with foreign countries require Holland's prior fiat.
- 2) In Chapter 11 we refer to Costa Rica's foreign policy based on its 'perpetual, active and non-armed neutrality'. We suggest that the New Union could pursue a similar policy with Holland's backing. The money saved on defense-spending could then be channeled to culture and education.

To our surprise we found out that, strictly speaking, the NATO-treaty does not apply to our islands.

- 3) In Chapter 13 we suggest that the New Union hook on to Holland's network of 'Netherlands Business Support Offices' (NBSO's) and establish a few NBSO's of our own. And to actively seek new business-opportunities internationally. We do this in synergy with Holland, so that the New Union can become a Dutch Portal in the Americas.
- 4) In Chapter 14 we deal with the relationship between the New Union and the European Union. We discuss the option to become an 'Ultra-Peripheral Territory' (UPT) within the EU. We focus on the Special UPT-status that was granted to the Finnish archipelago known as Åland. This precedent shows that a special regime may be negotiated, if Bonaire or all Antillean islands should want to join the EU. Also, Åland is demilitarized and recognized as neutral territory. This proves that our islands may also opt for demilitarization and neutrality.
- 5) In Chapter 15 we discuss Caribbean Relations. We suggest the New Union apply for Associate Membership in Caricom. We further discuss the objectives of the Association of Caribbean States and suggest all Caribbean States exploit the Caribbean Sea together and funnel all net-revenues into a Pan-Caribbean Development Fund.

- 6) In Chapter 16 we discuss the New Union's Exclusive Economic Zone. We suggest Aruba, Curaçao and Bonaire cooperate closely to exploit our EEZ. And to distribute net-revenues direct to the people. We also point out that it is wise to involve Holland and Venezuela in this enterprise, each for 33.3%. We emphasize what we should NOT do. And that is catch 'gold-fever'. That would ruin everything.
- 7) In Chapters 17 and 18 we point out that when trying to figure out the future of the New Union in its relationship to Holland and between the islands themselves, we must take into account that a Third World War is brewing. We believe our islands will pass through this difficult period more or less unscathed. Especially if our Neutrality will be established and we stay under the wings of Holland and NATO.
- 8) In Chapter 19 we discuss the New Union's immigration policy. We believe a restrictive policy as to foreign nationals is justifiable. However, it should not be abusive. Especially the foreign immigrants' freedom to work should be respected, which presently is not the case. Dutch national residents of our sister-islands should be free to choose their residence anywhere they want and without any restrictions on all 6 islands of the former Neth. Antilles.
- 9) In Chapter 20 the New Union's Monetary Policy is discussed. We suggest Aruba and Curaçao adopt the US-dollar as their currency as Bonaire has done in 2010. We ask the question whether these islands really do need Central Banks. Or whether it might not be economy-wise to merge them?



SUMMARY

*Summaries summarize,
but do not surmise they are precise.*

22. CORRUPTION & GOOD GOVERNANCE

An Honest Look in the Mirror

We are not blind to the truth that corruption has always plagued our islands, perhaps especially so during the past three decades. We understand that a cart cannot move without squeaking. And, yes, corruption is everywhere. But the way St. Martin, Curaçao and Aruba engage in this pursuit is not acceptable.

Therefore, a credible anti-corruption mechanism must be built into the Kingdom Charter. Seeing that a thorough overhaul of the Charter is now in order anyway, this should definitely also be incorporated into it.

Perhaps if our Courts and Public Prosecution Office had functioned more effectively, this might not have been necessary. But they have failed to the degree that its non-intervention has become akin to complicity.

Fundashon Akshon Sivil in Curaçao has proved this.

We have no definitive proposals how to do this. Perhaps a Special Anti-Corruption Court should be set up together with a Special Inquiry Commission with investigative powers. This Inquiry Commission could function similar to the 'Truth & Reconciliation Commission' in South-Africa. People may come forward and speak the truth about their own or others' corruption. And those who own up will not be punished in the sense of doing jail-time. BUT they cannot keep their jobs and, depending on circumstances, they will have to pay financial compensation.

Of course, we should also *prevent* corruption. No system will be fool-proof, but independent supervisory committees do help. There would have to be outside supervision with respect to nominating civil-servants. Officials who will have government power and who will be charged with the implementation of government policies must first of all not have any criminal record. Secondly, they must have the required qualification to fulfill the function they will be carrying out. Thirdly, they must have a good reputation and work ethic. The government may appoint them, but there must be an outside supervisory committee which can block any appointment, if the appointee does not meet these requirements.

There must also be outside independent supervision with respect to tax collection, health care, education, policing and the justice department. These supervisory committees work hand in hand with the Special Anti-Corruption Court and the Special Inquiry Commission.

The reader may have noticed that we have not mentioned Bonaire in this context. Does that mean that Bonaire is corruption-free? No. Bonaire does have its share of corruption-scandals. But to be honest, Bonaire is still a small boy compared to its bigger brothers.

Now, the crucial question is: Who should appoint the professionals to these outside and independent supervisory committees? In our situation within the Kingdom, we believe that Holland should appoint them.

Now, Holland has its own forms of corruption. If we include the so-called 'offshore-industry' (i.e. the tax-evasion business) as being basically corrupt – and it is! –, then Holland is one of the most corrupt countries in the world. Moreover, Holland is not clean of other types of corruption either. BUT with respect to our islands, we believe the Dutch government is detached enough to be able to appoint these committee-members.

Corruption is a difficult subject, because basically only truth is incorrupt. And we all do at least sometimes deviate from the truth. Moreover, any form of greed is corrupt. In principle there is nothing wrong with making an honest profit on a useful service rendered or a good product sold. But is it not true that in reality it is greed rather than honest profit that fuels our economic system? And is it not true that this greedy economic system transfers most of its profits to a tiny extremely wealthy elite?

In short, our whole society is drowned in corruption.

To get out of this morass, we would first need a new economic system. This new system has already been devised and put into practice even, but it has not yet taken root. We refer to the system called 'Universal Capitalism', devised by lawyer/economist Louis O. Kelso and philosopher Mortimer J. Adler.

We cannot now go into this economic solution to overall corruption. But we encourage the reader to study it. Consider this Kelsonian gem:

"The Roman arena was technically a 'level playing field'. But on one side were the lions with all the weapons, and on the other the Christians with all the blood. That's not a level playing field. That's a slaughter. And so is putting people into the economy without equipping them with capital, while equipping a tiny handful of people with hundreds and thousands of times more than they can use".



23. FEDERAL UNION BASED ON EQUALITY

Article 43, section 2 of the Kingdom Charter

What's this article about anyway? Well, human rights. When the UN Declaration of Human Rights was promulgated in 1948, its intention was to set an international *minimum*-standard for the treatment of citizens by government and for citizens towards each other.

Below the actual text of art. 43 kingdom Charter, translated into English:

- 1) Each country is responsible for the realization of fundamental human rights and freedoms, legal certainty and good governance.
- 2) The safeguarding of these rights, freedoms, legal certainty and good governance is a Kingdom affair.

We already know that Aruba, Curaçao and St. Martin are not 'countries'. They are federal states within the Kingdom of the Netherlands. Strictly speaking, Holland, too, is a federal state within the Kingdom. But because it dominates our islands in so many ways, like financially, politically and population-wise, we might practically call Holland a country on its own, although legally this would be incorrect.

So the only *real* country is the Kingdom of the Netherlands, headed by the Kingdom Government. Internationally there is no other 'country' than the Kingdom. Then there are 4 federal states, to wit: Holland, Aruba, Curaçao and St. Martin. Because of its predominance we might be forgiven to call Holland a country. But legally this is nonsense.

Now, the Kingdom Government is basically the Holland government, often just called: 'the Hague'. The provisions of the Kingdom Charter are such that 'the Hague' can force any decision with respect to all so-called 'Kingdom affairs'.

So, what are 'Kingdom affairs'? Is the King having an affair? No, no, no. Kingdom affairs are governmental powers, tasks and responsibilities which concern the whole Kingdom, not just one of the 4 federal states within the Kingdom. For instance, defense is a Kingdom affair, because all 4 federal states have to be defended. In all Kingdom affairs (and there are many!) basically Holland rules. The Caribbean Ministers are allowed to have their say. They may even vote, but they will always be outvoted.

This is the truth about the Kingdom of the Netherlands. The Caribbean islands were granted a generous measure of autonomy to look after their own local affairs, but the overall control is firmly in the hands of Holland.

Now, we are not complaining. The Kingdom Charter constitutes a federal structure. We accepted this deal in 1954 and we have to live with it. We can try to improve it, or say farewell to Holland altogether. But cry foul at home only is childish. So: Assert ourselves, yes. Whine, no.

So now back to art. 43 Kingdom Charter. It has been agreed that the realization of human rights is a Kingdom affair. And in section 2 it has been agreed that the Kingdom safeguards human rights. This means that the Kingdom Government (*read: Holland*) has accepted the obligation to safeguard all human rights in all parts of the Kingdom.

In 1966 the Kingdom accepted the obligation to safeguard all civil and political rights set out in the Int. Covenant on Civil and Political Rights, as well as in the Int. Covenant on Economic, Social and Cultural Rights. These treaties have been ratified for the whole Kingdom.

In other words, the Kingdom (*read: Holland*) has an equal obligation to safeguard these rights in Holland as well as in all Caribbean parts of the Kingdom. Both treaties confirm this unequivocally in articles 50 resp. 28, which read: 'The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions'.

Does Holland not understand what 'without any limitations or exceptions' means? Well, it means: 'equally'! We do not have to beg. This has been agreed to in writing. Holland has been in default for at least fifty years now. Neither civil nor economic and social rights have been safeguarded by Holland on an equal footing within the whole Kingdom. This is a serious case of dereliction of duty. Holland must be brought before an international tribunal.

We suggest Aruba, Curaçao and St. Martin, acting jointly, file a complaint against the Kingdom Government with the Human Rights Council in Geneva. And demand, in



broad terms, that the Kingdom Government fulfill its duty. And if it refuses, to suspend the Kingdom's UN-membership.

Now, do we really believe they will do so? Well, frankly, no. They will leave it up to a private organization. With much less impact, of course. Because they are too *chicken* to stand up to Holland. We must remain within the Kingdom for good reasons. But we must assert ourselves. Reasonably and with strong arguments. But assert ourselves we must.

24. BETTER THAN HOLLAND

Dutch Blinkers

We must correct the title-statement. We're not better than Holland. We're just different in a way that's better. Now you understand? Like, hey, we *chill* better than Holland!

Okay, we admit. Not the best of jokes. But, in all seriousness, we can really do certain things better than Holland.

Bonaire, for instance, used to help the unemployed by offering them work in the so-called 'rotation-system'. It means that every unemployed person could always call on the government to give him/her a job for three weeks at reasonable pay. After the 3 weeks, he had to fend for himself for 3 weeks. While in the system he was allowed to do odd jobs, go fishing, do whatever he wanted. If after the 3 weeks fending for himself, he still had no permanent employment, he was given another 3 weeks of paid work in the rotation-system without any questions asked.

And these 'rotationers' were given real jobs, like paving roads, cleaning the sides of roads and all kinds of other public jobs the government has to do anyway. So both the unemployed and the government benefitted at a minimal cost for the government.

Now, of course, those who for medical or social reasons could not work at all, were exempted from the rotation-system. They received a social allowance, without any obligation to work. But every able-bodied person had to do some useful work to earn his allowance.

A very just system, based on a healthy premise: '*by the sweat of thy brow ye shall eat*'. It was simple, cheap, productive and freedom-based.

But do you think that Holland adopted this system when it took over social affairs from Bonaire in 2010? Of course not. They introduced the Dutch system, which does dole out social allowances to the needy, but with all kinds of strings attached and a whole repressive apparatus to ensure that everybody sticks to the rules. Expensive, unproductive, taking away people's dignity and demotivating them to work.

The wisdom of Holland. After all, how could anything we locals do be better than what they do in Holland?

Another example of '*anything you can do, we can do better*' has to do with the subject of voting by power-of-attorney during elections.

As part of the take-over deal in 2010, Bonaire's election-law had to be incorporated into the Dutch election-law. Well, in principle, no problem there. But the Dutch delegation wanted to maintain the option of voting by power-of-attorney as is allowed in Holland, whereas the Bonairean election-law did not allow this.

The Bonairean politicians pointed out to the Dutch delegation that voting by power-of-attorney would be a very bad idea. Because it allows politicians to buy votes even more easily. They were open and honest about it. They told the Dutch delegation that vote-buying was so rampant in the Antilles, especially by means of buying powers-of-attorney, that after long bad experience all local political parties had agreed to scrap it. So they pleaded with the Dutch delegation not to re-introduce it.

But do you think that the Dutch delegation listened to this advice? Of course not. Voting by power-of-attorney is now allowed again and powers-of-attorney are for sale again.

Maybe we should auction them publicly?

The wisdom of Holland. Now, one could counter that this one is more shameful for Bonaire than for Holland. And this is correct. Vote-buying is blatantly undemocratic. But don't you think the local politicians know their own people better than Holland? They knew the reality. They pleaded. But Holland would not listen.

Last example of Dutch blinkers. Holland took over health care in 2010. Okay. Thank you! So now only doctors registered in Holland's high quality medical-register are allowed to practice medicine on Bonaire. What's wrong with that? Well, Latino doctors understand the local population much better than Dutch doctors. They have a totally different interpersonal approach vis-à-vis patients. The local population trusts them more. BUT they are not qualified to work on Bonaire anymore.

Nevertheless, for any treatment or operation that cannot be done on Bonaire, patients are transported to Colombia to be treated there. So then, all of a sudden, the Dutch quality medical-register is not important anymore. Why not change the law and allow Colombian doctors to practice medicine on Bonaire? Much cheaper and better for the patients.

Bonaire as a Federal Island State could undo these mistakes and many more like it.



CLOSING REMARKS

What we can do Now

The destruction of the Neth. Antilles was necessary. Unfortunately. But now it's time to leave the past behind and look ahead. Holland has announced they want to hold another 'Kingdom Conference' next year.

They want to talk about the following topics:

"The Kingdom Charter; European Union Law in relation to Kingdom Law; Human Rights; Climate Change, Economic Expansion and Consolidation; Regional/International Cooperation".

In this series of articles we have made suggestions on all these topics. But the fact that Holland wants to talk now, means they want changes. Well, we also want changes.

So, as a beginning we can do the following three things now:

- 1) Aruba, Kòrsou y Boneiru can unite to prepare for this conference. Come together and talk. Support each other, speak with one voice. As soon as we have decided what we want, we contact St. Martin, Saba and Statia. See what they want. Support them also.

This must be the first time that Holland will find itself confronted with a united Caribbean front. Not a hostile front. But an assertive front.

- 2) To strengthen our re-found unity, we can agree to internally restore the freedom of movement and residence for Dutch nationals from the other islands. We had this freedom since 1634. The present immigration restrictions are a violation of art. 12 CCPR anyway.

Moreover, each island is now sufficiently strong to be able to absorb an influx from the other islands. It will not pose a serious threat to our labor markets. So, let's all agree to change our immigration laws and welcome back Dutch national residents from our sister-islands.

- 3) We can install a Committee now to prepare a uniform orthography and grammar of Papiamentu. Aruba, Kòrsou y Boneiru are the only Caribbean islands that speak Papiamentu. It is the symbol of our identity. But the fact that there are now 3 differing official spellings, is also a painful symbol of our disunity. It is imperative we stop this.

We can unite in synergy now.

A WORD OF SPECIAL THANKS

On 30th of April 2022 Mrs. Laurie Dovale sent me an app. with a picture of a replica of the Coat-of-Arms of the former Neth. Antilles, asking if I wanted it as decoration for our office.

At the time she did not at all know that I had the intention to write these articles. So what made her decide to make the offer?

Clearly, this is more synchronicity.

Changes in our Kingdom constitutional structure are in the air. They are coming. We had better get prepared.

We thank Mrs. Laurie Dovale dearly for this wonderful gift. The replica now forms part of the wall-decoration of our office. We are very happy it is in our possession.

We had wanted to use its image for the front page of this book. But once we had started writing, we knew we needed a completely new image for the front page.

Nevertheless, the replica inspired both the title of this book and the corresponding front page image.

Michiel Bijkerk
'Golden Meand Society' Foundation



'Libertate Unanimus'
In Freedom we Unite
Replica of Coat-of-Arms of the
former Netherlands Antilles