

# **The Influence of Smallness and Non-Sovereignty on the Quality of Governance**

*The Case of Aruba and its Relationship with the Netherlands*

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## Introduction

Academics have long focused on researching colonialism and the structures it has left behind, yet not much literature has been written on small non-sovereign islands that have developed in post-colonial times. Islands such as the British Overseas Territories colonies (BOT) and the French Overseas Territories (DOMs) are examples of such former colonies that within a framework of non-sovereignty have different kinds of autonomy from their metropolises (Oostindie & Klinkers, 2003, p. 33). Part of the non-sovereign islands lie in the Caribbean region and remain in constitutional relationships with metropolitan powers (Veenendaal, 2016b, p. 148). A group of these small non-sovereign islands belong to the Kingdom of the Netherlands; namely, Aruba, Curaçao and Sint Maarten (Ministerie van Buitenlandse Zaken, 2015, p. 1). These islands qualify as autonomous, small jurisdictions and are therefore comparable to the BOTs and the French DOMs (Oostindie & Sutton, 2006, p. 37). This thesis will focus on the small non-sovereign island Aruba and its relationship to its metropolis, the Netherlands. Aruba was the first of the Dutch islands to attain autonomy as a separate entity within the Kingdom.

In 1986, Aruba gained its special status - *Status Aparte* - that permitted it to be an autonomous country within the Dutch Kingdom. In 2016, the island celebrated its thirtieth year of having its separate status; while the Kingdom itself celebrated over two centuries of existence. Thus, this is an opportune time to look at how the relationship between the two has evolved and how smallness and non-sovereignty has influenced both this relationship and the quality of governance of Aruba. The Netherlands and Aruba have publicly gone through disagreements, yet few scholarly works have been published about this relationship. Beyond the immediate relevance for Aruba and the Netherlands, this research contributes to the field of international relations as it looks at not only at smallness and non-sovereignty, but at the combination of the two theories. Other post-colonial relationships between dependent jurisdictions and their metropolises can be compared to that of Aruba and the Netherlands in order to further enhance the research already provided in this thesis.

What becomes apparent in this research is that scale is an important feature that influences other factors that bear on the governance of small states. The political status of a state is also important but is often dismissed, leaving many questions for readers that want to learn more on the subject – especially on non-sovereignty. Therefore, the main research question arises; to what extent do smallness and dependence influence the quality of

governance on Aruba and the relationship between the small non-sovereign jurisdiction of Aruba and its metropolis, the Netherlands?

## **Structure**

In order to answer the main research question, the sequence of the steps is the same throughout the paper with the first focus being smallness, second non-sovereignty, and thirdly the combination of both: Aruba and its relationship to the Netherlands. The first chapter will define the concepts of smallness, sovereignty – and non-sovereignty – and good governance; answering the first sub-questions that arise from the main research question; what is smallness, dependence/non-sovereignty, and quality of governance? The second chapter gives a historical overview that answers the following sub-questions: why and how is the Netherlands the metropolis? And why and how is Aruba a small non-sovereign jurisdiction? The third chapter answers the question of what kind of relationship Aruba has with the Netherlands. The fourth chapter is comprised of the three-steps-sequence mentioned before, and goes into the influence of smallness and non-sovereignty globally and in government; as well as into the influence the combination has on Aruba and its relationship to the Netherlands – looking at both the general influence and in government. The paper ends with a discussion chapter with the author's thoughts and analysis on the research and a final conclusion that answers the main research question.

## **Research Approach**

According to Jan Erk and Wouter Veenendaal, field research is extremely valuable and necessary especially when looking at microstates. This is why this thesis uses not only scholarly literature and media outlets, but also interviews conducted personally with nine Aruban and five Dutch politicians and civil servants.<sup>1</sup> These included current and previous government officials and members of the Council of State of the Kingdom. This was done in order to access information that would normally not be published in literature, as well as to understand certain events and issues by first-hand accounts. Despite the many studies that have been done, the secondary literature on the subject is limited and there are very few country experts to consult on the issue of small non-sovereign Caribbean islands.<sup>2</sup> The little data that is available mainly focuses on formal indicators - such as political rights, civil

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<sup>1</sup>See bibliography for list of interviewees.

<sup>2</sup>Because of the lack of experts in the field, this research will heavily rely on two contributors to the topic of Dutch Caribbean non-sovereign small states; Wouter Veneendaal – assistant professor at Leiden University and Gert Oostindie – professor of colonial and post-colonial history at Leiden University.

liberties, and population – while qualitative, in-depth information regarding small non-sovereign jurisdictions is almost impossible to find. This lack of data could be attributed to the lack of interest by researchers and experts and has led the paper to be more explorative in certain areas. Moreover, most Dutch politicians and civil servants rejected to be interviewed on the basis of ‘not being informed enough’ on the relationship; this is why the majority of the interviews give an Aruban perspective. However, the predominantly Aruban perspective of the interviews is balanced with the use of Dutch media, studies and literature.

# 1. The Concepts: Scale, Political Status and Good Governance

It is important to define the concepts of smallness, non-sovereignty and good governance before discussing the research and its outcomes. The following part discusses these concepts, how they came to be, and how they are seen today.

## 1.1. Smallness

Small states are a recent phenomenon that started in the twentieth century after economic forces changed their priorities from bringing political integration to political fragmentation (Kay, 2008, p. 1). This meant that the search for new territories and their integration under one power was replaced by the fragmentation of these powers into smaller, more independent territories. Today, 55 of the 212 states listed in the World Bank database can be categorized as small states. They range from being island states, high-income countries, middle or low-income countries, fragile and conflict affected territories, commodity exporters, and tourism-based economies. There are small states in all regions, yet the greatest concentration of small states is located in the Caribbean and the Pacific (World Bank Group, 2016, ix).

Scale is an important issue for small territories, as they see and feel the consequences of size more prominently than larger ones. The terms smallness and small-scale are interchangeably used in literature, but it is important to know the intrinsic difference between the two. Small-scale is more objective because of its physical, measurable and factual aspect; while smallness is more subjective, as it can be based on the feeling or perception of being small. Thus, smallness can entail small-scale, but small-scale does not lead to smallness per se.<sup>3</sup> Small-scale can be determined by a country's population, land surface and GNP (Taylor, 1971, p. 194). The exact definition – especially on population size limits - has varied through the years, but the most used definition is that coined by The World Bank Group who define small states as countries that have a population of 1,5 million or less (World Bank Group, 2016, ix). It is important to note that small states are often all lumped under one definition while there are distinct categories of small states such as mini- and micro-states. A mini-state has a population of fewer than 200,000 citizens, while a micro-state has fewer than 100,000 (Oostindie & Sutton, 2006, p. 35). Aruba falls somewhere between the two categories – the most recent population data (2015) is at 103,889 – yet it can be categorized as a microstate due to its population being closer to the microstate's limit (World Bank, 2016). For the purpose of simplification however, this thesis shall use the term small state instead.

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<sup>3</sup>In the case of Aruba, small-scale has lead to the feeling of smallness and the terms are thus used interchangeably.

When it comes to external relations, smallness is associated with weakness, vulnerability, as well as dependence on financial and defence aid (Veenendaal, 2016b, p. 154). However, this belief is being challenged by scholars like professor John Kay who believes that globalisation has created prosperous small states that are no longer more exposed and vulnerable compared to larger states (Kay, 2008, pp. 6-7). Nevertheless, when looking at internal governance, smallness affects the dynamics of politics and governance. According to professor Dag Anckar: “country size is an important determinant of the degree of democracy, party fragmentation and choice of electoral system” (Anckar 2004a: 379). Veenendaal also argues the importance of smallness as “a contextual factor that strongly affects domestic politics in overseas jurisdictions and hence also influences the local assessment of the non-sovereign political status” (Veenendaal, 2016b, p. 149).

## **1.2. Status**

Before delving into the status of sovereignty and non-sovereignty, it is important to distinguish between the terms country, nation, state, and jurisdiction. First, a country is a geographic region that is identified as a national entity that is either an independent sovereign state or is or was once occupied by another state – a non-sovereign or formerly sovereign entity (Rosenberg, 2008). Second, a nation is a group of people – a community – that shares a distinct language, culture, religion and history. Thus, a country can have more than one nation (Kymlicka, 1995, p.11). When a nation of people has an independent state of their own it is often referred to as a nation-state. Third, a state is an organized political community living under one government or commonwealth; they can be classified as sovereign or be subject to another power or state (Thompson, 1995). The four criteria for entities to be considered states are: a permanent population, a defined territory, a government, and a capacity to enter into relations with other States (Montevideo Convention, 1993, Article 1). Moreover, entities can declare themselves states and do not have to be recognized by other states; meaning that even if other countries do not recognize it, a country may call itself a state (Montevideo Convention, 1993, Article 3). However, a country that is not sovereign and has no power over its own territory is not considered a state; thus a country like Aruba cannot be considered a state, as it is a non-sovereign territory of a large power. This leads to the fourth and final term, jurisdiction, which in our case is a sub-national entity that usually has a small population and small land area (Baldacchino, 2006, p. 862). Many jurisdictions are non-sovereign islands that enjoy some degree of autonomy yet not to the point of being fully sovereign (Baldacchino,

2006, p. 862). Thus, Aruba can be seen as a non-sovereign island jurisdiction and should not be categorized as a state.

### **1.2.1. Sovereignty**

Most scholars see colonialism as a historical burden, but professor Antony Anghie argues that with the colonial confrontation came the formation of international law, which brought upon the creation of sovereignty (Anghie, 2005, p. 310). He further argues that international law has always been driven by the ‘civilizing mission’ and that sovereignty was the prize won by newly independent states after their struggle for emancipation (Anghie, 2005, p. 196 & 310). S. Prakash Sinha argues that “Sovereignty is the most treasured possession of the newly independent States. On the one hand, it makes them the master of their own house, and on the other hand, it provides them with a legal shield against foreign incursions or attempts thereat by stronger states.” (Sinha, 1965, p. 127). Initially, sovereignty was almost exclusive to European dynasties, which later included their empires and ultimately became the norm in the rest of the world as it expressed the rights of national self-determination and self-government (Jackson, 2007, p. 76).

Sovereignty can be defined as “an idea of authority embodied in those bordered territorial organisations we refer to as ‘states’ or ‘nations’ and expressed in their various relations and activities, both domestic and foreign” (Jackson, 2007, p. ix). As a fundamental idea of authority, the concept of sovereignty depends on political developments yet its core elements have remained the same: sovereign states have supreme authority in relation to all other authorities in a distinct territory, are independent of all outside authority, and are not subordinate to anybody – not even the international system (Jackson, 2007, p. 10). Nevertheless, state rulers take sovereignty as an international institution seriously, even as they violate it frequently; something that Stephen Krasner – international relations professor at Stanford University – called ‘organized hypocrisy’ (Krasner, 1999, p. 9).

### **1.2.2. Non-Sovereignty**

Most non-sovereign jurisdictions are microstates with Aruba being one of them (Veenendaal 2016b, p. 154). Non-sovereignty is the exercising of power at the authority of a higher, sovereign power (Kay, 2008, p. 9). Thus, a non-sovereign entity has a sovereign power that is able to deprive it from basic traits and remains highly dependent on a metropolitan, sovereign power (Jackson, 1999, p. 427). Non-sovereign islands in particular belong to a category often



called ‘sub-national island jurisdictions’ (SNIJs). These are islands which have “developed legislative instruments that have enabled them to behave as if they were sovereign states even while they remain under the domain of the larger sovereign state.” (Oostindie & Sutton, 2006, p. 17). There are 106 SNIJs identified, of which 20 are located in the Caribbean – including Aruba (Baldacchino, 2005).

In academia, non-sovereign territories are normally only analyzed in relation to their metropolis, leaving the local, domestic political dynamics and the ways these influence local perceptions of the non-sovereign status in the background. However, scholars are starting to see the importance of non-sovereignty and acknowledge it as a favourable political status for small states and even go as far as to argue that non-sovereign small jurisdictions seem to perform better than sovereign small states (Veenendaal 2016b, 148; Oostindie & Sutton, 2006, p. 12). Traditionally, the vulnerability of dependent states was the predominant highlight, while today non-sovereignty is seen as an asset in providing better conditions for economic development (Oostindie & Sutton, 2006, p. 35). Thus even if within the Dutch Kingdom income levels in the metropolis and dependencies do not tend to converge, the standard of living in these territories is above the regional average for sovereign states (Oostindie & Sutton, 2006, p. 35).

### **1.3. Good Governance**

The concept of good governance emerged in the late 1980s as an institutional standard to uphold by countries (Maldonado, 2010, p. 4). The term was introduced by the World Bank to focus on the role of government in the development process of a state and has since given way for serious discussions on how states should govern themselves (Maldonado, 2010, pp. 3-4). Good governance has been defined as a “public service that is efficient, a judicial system that is reliable, and an administration that is accountable to its public” (Conable qtd. in Maldonado, 2010, p. 5) and a tool for “ensuring respect for human rights and the rule of law; strengthening democracy; promoting transparency and capacity in public administration” (Annan qtd. in Wilkinson, 2005, p. 70). These broad terms can be then translated into four essential categories to measure good governance: transparent, open and accountable government; political stability; efficient, responsive and effective administration; respect for human rights and the rule of law.

For any state, the way government works is crucial to their economic, political and social development. Thus, the capacity of a government to forge and implement proper policies for social and economic development is central. For small states, the costs of poor

governance are even larger given the “extreme difficulty in recovering from the consequences of inappropriate policies and practices sustained over a very long period.” (CARICOM, 2000). Small states are prone to have a lack of good governance because of their scale vulnerability which can contribute to particularism and patron-client relationships – which is why literature often makes a link between both terms (Oostindie & Sutton, 2006, p. 35). Nevertheless, the record of small states in the Caribbean seems surprisingly good, as democratic elections held have been successful and civil unrest has remained low since the 1980s (Oostindie & Sutton, 2006, p. 26). However, there is a certain discrepancy between democracy as a formal condition and democracy as it actually functions in the non-sovereign jurisdictions in the Caribbean.<sup>4</sup> Aruba’s governance is often questioned for this same reason and if one analyses it, it quickly becomes apparent that there is no good governance on the island.<sup>5</sup>

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<sup>4</sup>See chapter 4.2.1

<sup>5</sup>See chapter 5.2.

## 2. Historical Overview

The Kingdom of the Netherlands officially started on November 30th 1813 and by 1815 the Netherlands counted three Caribbean colonies: Suriname, Curaçao – with its dependencies Aruba and Bonaire – and Sint Eustatius – with its dependencies Sint Maarten and Saba (De Haan, 2013, p. 9; Oostindie, 2013, p. 175). Afterwards, the six islands were brought together under Curaçao, but it was not until 1922 that a constitutional amendment gave the islands more freedom by changing their status from colonies to countries and later, in 1954 all the citizens of the colonies were officially defined as Kingdom citizens and the colonies were defined as formally equal and autonomous partners within the Kingdom (Oostindie & Klinkers, 2001, p. 208; Oostindie, 2013, p. 177). According to Oostindie and Klinkers the Netherlands started the final phase of decolonization around 1970 and invited and urged its colonies to accept their independence – to which Suriname accepted in 1975 (Oostindie & Klinkers, 2001, p. 15; Oostindie, 2013, p. 179). The islands on the other hand did not want to let go of the Netherlands because of the advantages they had as Kingdom citizens and opted for the Netherlands Antilles to remain within the Kingdom (Oostindie, 2013, p. 179). Meanwhile, since the Second World War, Aruba's desire for autonomy had become increasingly popular due to the perception that the Netherlands' attention only lingered on Curaçao – as the main harbour and trading city – and thus became increasingly frustrated to be left in the background (Alofs, 2011, p. 158; Jansen van Galen, 2013, p. 404). According to John Jansen van Galen, Aruba felt constantly neglected by the Netherlands, especially because it had been asking for a special status within the Kingdom from the time Suriname was granted independence (2013, p. 564).

The voice of the Aruban separation was boosted by Gilberto François (Betico) Croes and Henny Eman senior – political party opponents (MEP vs. AVP). Both wanted Aruba's separation from Curaçao, yet the main difference was that Eman wanted a separate status within the Kingdom, while Croes was prepared to accept full independence (Oostindie & Klinkers, 2001, p. 176). On 25 March 1977, Aruba had its first constitutional referendum, with the options of staying in the Antilles or becoming fully sovereign; to which Eman in vain required the added option of a different status within the Kingdom (Arends, Giel, Perez, 2005, p. 55; Oostindie & Klinkers, 2001, p. 178). Ultimately, 84% voted to leave the Antilles, yet there was no support for a full independent status (Arends et al., 2005, p. 55; Croes, 2011, p. 114). Furthermore, the referendum was not seen as fully credible as various instances of fraud were found; it did not have a legal basis or judicial consequences according to Public

Prosecution (Croes, 2011, p. 115-16). This led to the delegitimization of the referendum, which added to a complete standstill and riots on the island in August that same year (Oostindie & Klinkers, 2001, p. 178). The Aruban people that supported the referendum had become infuriated by the ‘disregard’ of the outcome by the Netherlands – a decision that was later labelled as highly colonial by Croes and his supporters (Oostindie & Klinkers, 2001, p. 179).

Ultimately, the Netherlands decided to come to an agreement with Aruba, which led to a Kingdom Commission being installed in 1978 with the aim to improve Kingdom relations and cooperation between Kingdom members (Arends et al., 2005, p. 56). After much deliberation and many arrangements, Aruba voted - in 1983 - for a Status Aparte, which was implemented on the first of January, 1986 (Oostindie & Klinkers, 2001, p. 15). This granted autonomy for Aruba, with the condition that it had to cooperate with the Antilles, as well as to become fully independent after ten years (Jansen van Galen, 2013, pp. 417-18). However, the Aruban government immediately started urging against independence stating that “citizens should be guaranteed of the opportunity to express themselves on the date for independence”; thus, for Aruba to decide via a referendum and not be forced to leave in 1996 (Croes, 2011, p. 214). This wish got fulfilled in 1989 when the date for independence was fully removed after both Aruban and Dutch government concluded that the island cannot be forced to become independent if it did not wish to do so (Jansen van Galen 2013, p. 568). Moreover, an addition was made to this accord in 1996, stating that the only way Aruba was to leave the Kingdom was if it ever had a two-thirds majority for that step in an official referendum (Arends et al., 2005, p. 64). That same year, Aruba’s status of country within the Kingdom” was confirmed without a time limit attached to it (Oostindie & Klinkers, 2001, p. 208).<sup>6</sup> This Aruba led some of the remaining Antillean islands to search for the same path of autonomy and in 2010 Curaçao and Sint Maarten became autonomous countries within the Kingdom as well; while Bonaire, Saba and Sint Eustatius – the BES islands – became special municipalities of the Netherlands. In this process, the Dutch Antilles were dismantled forever (Ministerie van Buitenlandse Zaken, 2015, p. 1).

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<sup>6</sup>All quotations of Oostindie & Klinkers (2001; 2012) are Aguirre Broca’s translations.

### **3. Defining the Current Relationship**

The relationship at hand can be defined in two ways, the first being the relationship the way the Kingdom Charter defines it, with a constitutional framework composed of various Articles; while the second is the perceptual definition, which deals with the way people perceive the relationship. This is important to distinguish, as Veenendaal points out that “although small states are as a rule democratically governed, and elections are usually free and fair, a strong divergence may exist between the political structures on paper and the practical political reality on the ground” (Veenendaal, 2016b, p. 155).

#### **3.1. The Charter: The Official Relationship between a Large Metropolis and a Small Non-Sovereign Jurisdiction.**

As most microstates, Aruba has a constitution that reflects the country’s own distinctive history; being that of Dutch colonial rule. The constitutional framework is composed of multiple levels, articles and paragraphs. According to the 1954 Statuut or Charter and its later updates, the structure of the Kingdom is made up of four countries, namely the Netherlands, Aruba, Curaçao and Sint Maarten and three special municipalities – the BES islands (Statuut, 2010). There is a Dutch Crown that is hereditary, worn by the legitimate descendants of Her Majesty Juliana, Princess of Orange-Nassau (Statuut, 2010). The monarch is the head of state of the Kingdom and of each country, but is represented by a governor in the autonomous islands (Statuut, 2010). Dutch citizenship, international relations and defence are all defined as Kingdom matters (Statuut, 2010).

The Kingdom is often said to suffer from a ‘democratic deficit’ because there is no Kingdom Parliament and there are few Kingdom institutions – of which most are Dutch institutions supplemented by a few Caribbean members that are often not able to exercise significant influence (Oostindie & Klinkers, 2012, p. 95). This has led to the islands having little contribution in creating Kingdom legislation and minimal parliamentary scrutiny on the decision-making in the Council of Ministers (Oostindie & Klinkers, 2012, p. 98). While Caribbean representatives are allowed to speak and submit motions in the House of Representatives, they are not allowed to vote on these matters (Oostindie & Klinkers, 2012, p. 99). Ultimately, the Dutch parliament is not the Kingdom Parliament – there is none – yet it does serve as the Kingdom’s legislator, making it more powerful than the other countries (Oostindie & Klinkers, 2012, p. 97). Moreover, the only parliament able to vote on Kingdom matters is the Dutch, and not the overseas jurisdictions of the Kingdom; this adds to a lack of trust between the Kingdom and its respective parliaments (Oostindie & Klinkers, 2012, p. 98).

According to Oostindie and Klinkers, all this is a “fundamental flaw in the Charter” (Oostindie & Klinkers, 2012, p. 98).

Because of this lack of trust from the Netherlands, there have been discussions about the discontent this deficit brings to the non-sovereign territories of the Kingdom. Articles 12 and 43 of the Charter for the Kingdom are used in these political discussions. Article 12 states that the Plenipotentiary Ministers of the islands are the main representatives of the islands (Statuut, 2010). It further describes that if there are problems – in their respective countries - they are to go into consultation in the Kingdom’s Council of Ministers that decides the outcome of the conflicts. The islands are not content with this Article, as it undermines the autonomy of the jurisdictions and there is no independent entity that can solve Kingdom disputes. Secondly, Article 43 - the most debated Article - is split in two, quite conflicting, paragraphs; the first states that each country is responsible for the “fundamental human rights of freedom, legal certainty, and good governance” in its own territory (Statuut, 2010).<sup>7</sup> Thus, the responsibility of having good rule of law, and proper judicial and political institutions is essential for each country’s autonomy. However, the second paragraph of Article 43 states that guaranteeing these elements is a “matter of the Kingdom” (Statuut, 2010). With this paragraph, the responsibility widens; giving flexibility to the Kingdom government – including the Dutch government – to use the power of intervention. It is seen as the Article for autonomy, as well as the ‘instrument of intervention’ (Elzinga, April 18, 2016).

Thus, the Kingdom may be addressed as a whole, but when for example there seems to be an instance of ‘mal-governance’ in a country, the Netherlands acting on behalf of the Kingdom can unilaterally intervene, due to its guarantee function (Oostindie & Klinkers, 2012, p. 96). This shows the Netherlands’ ability to broaden its power to Kingdom level as the metropole power, which causes problems with the other countries within the Kingdom who sense their autonomy being undermined. Aruba sees Article 43 as a ‘threat to its autonomy’ because of the broad definition of ‘good governance’ (Tjeenk-Willink, 2012). The island sees this as an opportunity for temporary intervention when there is ‘mal-governance’, which - according to the Netherlands - is the most problematic issue of the island (Tjeenk-Willink, 2012). The Netherlands uses ‘higher supervision’ as a last resort instrument in these cases, yet it does not act under the authority of the Charter but on the basis of power (Van Rijn, 2017, p. 29). This has happened 3 times in recent years, while instructing the governors of Aruba, Curaçao and Sint Maarten to intervene in state matters involving the jurisdictions’ budgets;

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<sup>7</sup>All quotations of Statuut (2010) are Aguirre Broca’s translations.

which has resulted in heavy discussions for their disproportionate use of power (Van Rijn, 2017, p. 30).<sup>8</sup> The use of power can be seen as disproportionate because intervention should remain only permissible if there is a structurally intolerable and urgent situation that cannot be resolved by the jurisdiction itself (Van Rijn, 2017, p. 29). Thus, this power should only be used in extreme circumstances. Moreover, this instrument can be used by the governor to give instructions, but the highest institutions of the jurisdiction cannot be overruled by them (Van Rijn, 2017, p. 30).

The Netherlands argues that the Kingdom Charter does not have enough means to enforce good governance throughout the Kingdom, as there is no clear definition of when one can or should enforce supervision and no formal guidelines of what is considered good governance - making it difficult to effectively exercise their responsibilities (Oostindie & Klinkers, 2012, p. 95).

### **3.2. The Perception: Feelings within the Relationship**

The relationship between Aruba and the Netherlands is in constant change; while the Charter remains relatively the same. The relationship has often been portrayed as mutually beneficial, mainly by Caribbean actors. According to Evelyn Wever-Croes – leader of the opposition in Aruba – however, Aruba has since 1970 been increasingly seen as a “burden” rather than an asset to the Netherlands, making the relationship less beneficial for both countries (Wever-Croes, personal communication, April 14, 2016). Aruba’s frustration with the Kingdom structure that was in place and its success in becoming non-sovereign has led to drastic changes in their relationship. Nevertheless, Aruba – and the other Dutch Caribbean islands – still claim that the relationship with its metropole remains unsatisfactory and contentious (Veenendaal, 2016b, p. 148). Dutch citizens also have a feeling of discontent with the islands, as a poll organized by Peil.nl shows that 61% would like the Kingdom to be dissolved (Zwart, 2015). From a constitutional standpoint, the charter impedes the Netherlands itself from ceding from the Kingdom, as this would lead to the dismemberment of the Kingdom – being that it was based on Dutch Constitutional Law (Jansen van Galen, 2013, p. 573). This is not the case if one of the islands would leave, as the Kingdom was not based on their constitutions. The only way the Netherlands would be able to cede from the Kingdom would be if all Kingdom members would vote on the dismantling of the Kingdom and ultimately on leaving supranational institutions such as the European Union (Jansen van Galen, 2013, p. 573).

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<sup>8</sup>See chapter 4.1.3 for the Aruban case

Aruba and the Netherlands are very different culturally, which is often used by scholars as an explanation for disputes between the two. The cultural difference can be emphasized in the way Aruba describes the Netherlands as too ‘blunt’ or ‘rude’ to understand Caribbean emotions, while the Dutch describe Arubans as people with extreme “emotional outbursts” (Bosman, personal communication, June 2, 2016; Pourier qtd. in Oostindie & Klinkers, 2001, p. 267). Hence, one could see these two as having contradicting – rational versus emotional – cultures. According to Nanneke Quik-Schuijt and Irene Broekhuijse, the vast history of conflict between the two countries, and the underlying emotions may go very deep; making the countries feel wronged by each other constantly (Quik-Schuijt & Broekhuijse, 2016, pp. 57-58). This can be seen in the way Aruba “reacts insulted” (Alders, personal communication, May 10, 2016) and emotional when the Netherlands intervenes in Aruban affairs; while the Netherlands claims it reacts rationally when being called out on their decision.

The historical background – the Netherlands being the colonizer and Aruba being the colony – also plays a role in their relationship. Previously, the relationship used to only be one-sided until Aruba adopted a formal non-sovereign status – a factor that added friction to the bond. This change in status did not stop the Netherlands from being able to regulate the island, which some view as a negligence to UN principles of decolonization and a return to colonial times; yet as Tjeenk-Willink puts it: “in this world where everyone is dependent on everyone” it is not possible for Aruba to solve issues on its own (Oostindie and Klinkers, 2012, p. 259; Tjeenk-Willink, 2012).<sup>9</sup>

### **3.2.1. Double-Sided Perception**

The current relationship can be perceived as a Janus-faced relationship. One could argue that it is a mother-child relationship, with the Netherlands being seen as the mother or colonizer and Aruba as the child or colony. At the same time, the relationship can also be seen as a sibling relationship, as both countries have equal power in the Charter. Arguably, the relationship fluctuates between the two types. The mother-child relationship is said to be more present in practice, as it tends not to be an equal relationship. This inequality is most prominent in finance, as the Netherlands often seems to treat Aruba as a ‘child’ in the sense that it monitors the island’s government and sometimes decides what is best for the Kingdom as a whole. This hierarchy is not clearly set in the Charter, yet it is mostly practiced by the Dutch government, who are the Kingdom legislators and who interpret the Charter in their

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<sup>9</sup>All quotations of Tjeenk-Willink (2012) are Aguirre Broca’s translations.



own way. On paper – the Charter – however, it seems to be more of a sibling relationship, with, according to Ron van der Veer – advisor to the Council of State – the Netherlands being the older sibling and Aruba the younger one (Van der Veer, personal communication, May 9, 2016). In this type of relationship, the children grow up but are all in different stages of the relationship while seeking common ground. Moreover, the older sibling will always advise and guide the younger one, while the younger one may not like this. As Arxen Alders – civil servant at the Ministry of Interior and Kingdom Relations – puts it: “brothers sometimes fight and don’t agree with each other” and “relationships have their ups and downs”, but at the end of the day they will always remain siblings (Alders, personal communication, May 10, 2016).

The duality of the relationship between the countries is one of the main reasons for disagreements, as some, for instance former Minister of Finance and Government Organization of Aruba and presently Aruban Plenipotentiary Minister in The Hague, Juan David Yrausquin, argue that equality should not only be present on paper but also in practice (Yrausquin, personal communication, May 25, 2016). By definition, the Netherlands is more powerful in the relationship because of its size and history, as well as its hierarchical placement in the relationship being the colonial metropole. This power is translated in certain Articles of the Charter – such as Article 43 – which lessen the island’s autonomy, allowing the Netherlands to take the leading position in the relationship. The Council of State has tried to change this inequality by opening the way for a possible solution for the Kingdom problems not to be solved only by the Dutch government (Elzinga, April 18, 2016).

This idea of a separate Kingdom entity was first proposed by Aruban parliamentarians Herdé and Yrausquin, who submitted a proposal for a dispute resolution back in 2010; during a legislation discussion at the House of Representatives (Herdé & Yrausquin, 2010). It stated that no independent body that interprets the Charter or deals with judicial disputes between Kingdom countries exists on a Kingdom level; which leads to disputes not being resolved “adequately and independently” (Herdé & Yrausquin, 2010). Thus, their motion was to create a dispute resolution where a designated impartial institution will strictly deal with the proper interpretation of the Charter (Herdé & Yrausquin, 2010). They referenced Article 38, paragraph 1, of the Charter, which states that the four countries of the Kingdom “can make arrangements between themselves” and that the Kingdom has enough amenities to do so (Statuut, 2010).

The topic has remained relevant, especially during the yearly Inter/Parliamentary Kingdom Consultation (*Interparlementair Koninkrijksoverleg* – IPKO) in which parliamentarians discuss Kingdom issues. Since the proposal of the motion, there has been

ongoing work on a transparent dispute resolution; one in which, where possible, the Council of State or the Supreme Court could act as arbitrators of Kingdom disputes (Oostindie & Klinkers, 2012, p. 274). According to both Herman Tjeenk-Willink and the late Mito Croes – former Vice President and a member of the Council of State, respectively – there is an urgent need for this type of dispute resolution (Tjeenk-Willink, Croes personal communication, May 20, 18, 2016).

#### **4. The Influence of Smallness and Non-Sovereignty**

Smallness and non-sovereignty can play big roles in countries that have these characteristics. Therefore, this analysis will look at two ways these themes can impact countries; the impact they have globally and the impact they might have on governance. The analysis will be made in three steps: First, by looking at the influence of smallness. Second, on the influence of non-sovereignty, and third, the influence those two characteristics combined have on Aruba and its relationship to the Netherlands.

##### **4.1. The Global Impact of Smallness and Non-Sovereignty**

###### **4.1.1. Smallness**

###### ***Remoteness and Insularity***

According to Charles Farrugia “inhabitants of small states [...] remain intellectually dependent on larger states. They see themselves as miniature models of the larger nations and attempt to emulate them without fully realising that as small states they have an ecology of their own” (Farrugia, 1993, p. 223). However, poor location and remoteness can have a big impact on small states, especially islands as they can suffer from insularity, narrow-mindedness and self-containment (Oostindie & Sutton, 2006, p. 15). It can be difficult to have a high quality workforce, provide public services, and access external capital because of the remoteness they experience (Easterly & Kraay, 2000, p. 2013; Commonwealth Secretariat 1997; pp.36-37 & 59). Malyn Newitt argues that for islands it can be more difficult: “Not all small states are islands and not all island states are small but the problem of ‘smallness’ is given an added dimension in the case of an island, and insular isolation can be considerably intensified if you are also small.” (Newitt, 1992, p. 16). Others argue that remoteness is no longer a decisive disadvantage as there is better transport and communication technology in place (Easterly & Kraay, 2000, p. 2018). There is also a feeling of solidarity and community which is often shared mostly among non-sovereign small jurisdictions, making location a lesser issue than it could be if states would feel like they are alone in the world (Anckar & Anckar, 1995, p. 220-21).

### *The Economy of Smallness*

Scale has always been a concern in the economic development of a small state as it is seen as a potential vulnerability factor. However, there is also empirical evidence suggesting that smallness is not a disadvantage in economic terms; especially as economic success does not depend on scale per se, but on competitive advantage (Kay, 2008, 7). It is said that if small states suffered from smallness, they would be poorer than large states, yet small states have a higher income per capita – almost two thirds higher –, higher productivity levels and investment rates, and are richer than large states – some are even 50% richer (Easterly & Kraay, 2000, pp. 2014-2017). Thus, small states outperform larger states in economic development; which is why professor William Easterly and Aart Kraay argue that small states should be treated as any other state (Easterly & Kraay, 2000, p. 2013). Moreover, Thirukodikaval Srinivasan states that smallness is neither a necessary nor sufficient explanation for slow economic development (Srinivasan, 1986, p. 207).

One of the downsides of the influence of scale on the economy is the fact that in a small state, per capital GDP growth rates are much more volatile and multilateral trade deals can compromise bilateral ones which can be dangerous as small territories are highly dependent on external trade (Easterly & Kraay, 2000, p. 2013; Oostindie & Sutton, 2006, p. 11). A small state cannot be in autarky as it normally imports more than it exports. Nevertheless, small states are known not to take advantage of market diversification even when it is at their disposal and can help dampen their volatility (Easterly & Kraay, 2000, p. 2024). However, there is no real evidence that small open, diverse economies grow faster or that they have higher investment rates than small-scale territories with closed and limited economies (Easterly & Kraay, 2000, p. 2024).

#### **4.1.2. Non-Sovereignty**

##### *Metropolitan Dependence: Citizenship, Education, and Security*

Independence has traditionally been seen as the only means to achieve political emancipation and terminate colonial relations. Yet today, scholars are recognizing that jurisdictions are opting to maintain their constitutional bond with the metropolis as it benefits them more than it harms them (Veenendaal, 2016b, p. 150). This preference for non-sovereignty is strong and provides non-sovereign jurisdictions with various exclusive privileges such as citizenship, education, foreign affairs, and security (Veenendaal, 2016b, p. 152). What is remarkable is the fact that even as the metropolis has retained the final decision-making power on these topics; it is unlikely that the non-sovereign jurisdictions will strive for full sovereignty. Oostindie and

Sutton argue that these territories are more likely to pursue more autonomy within their dependent status in the fields of finance, transport, international representation, and the environment (Oostindie & Sutton, 2006, p. 36). The fields in which they seek less autonomy include the previously mentioned citizenship, education, and security (Oostindie & Sutton, 2006, p. 36). Maintaining the current foreign affairs status is questionable as it comes with restrictions such as being unable to exercise foreign policies that are incongruent with those of the metropolis – e.g. trade agreements with countries that are not allied with the metropole - and benefits such as being able to exchange votes in international organizations for advantages like a high position in the Association of the Overseas Countries and Territories of the EU (Veenendaal, 2016b, p. 152).

Citizenship is granted in the shape of a national passport, as well as the power of free movement for citizens from or to the metropolis (Veenendaal, 2016b, p. 152). The inhabitants of a dependent non-sovereign territory are seen as nationals of the metropolis and are therefore entitled to similar social security and welfare provisions as the metropolitan citizens (Veenendaal, 2016b, p. 151). The metropolitan power also grants students of their territories a chance to pursue higher education in the metropolis (Veenendaal, 2016b, p. 152). This is beneficial for the population if one looks at it as gaining knowledge. It can, however be a disadvantage as it creates a ‘brain-drain’ for the country as most students tend not to go back home. In the domain of international and domestic security, the metropolis grants the non-sovereign jurisdiction military protection that relieves it from international security threats; emergency aid provisions after natural disasters; domestic security; and law enforcement (Veenendaal, 2016b, p. 151). The latter being highly important as it helps safeguard the rule of law; the democratic practices and institutions; and it enforces the strive for good governance.

### ***The Economy of Non-Sovereignty***

Non-sovereign jurisdictions have growth benefits of open trade and risk sharing such as being financially open shares risks with larger states – and their metropolis – which relieve the smaller states of large shocks that can be correlated with the international arena (Easterly & Kraay, 2000, pp. 2023-2024). This means that when there is an international risk in trade, it can be spread over to the metropolis, which can take away the larger part of the shock by involving itself with the jurisdiction’s risk. Furthermore, the access to the domestic market of the metropolis, privileged markets, and free trade agreements is a great advantage for non-sovereign jurisdictions, especially islands (Cooper & Shaw, 2009, p.48; Veenendaal, 2016b,

p. 151). The SNIJs also benefit from being ‘offshore financial centres’ (OFCs) for their metropolis. Being an OFC entails that they have confidentiality and tax avoidance capacities from which other countries, especially the organizations within their metropolis can benefit (Cooper & Shaw, 2009, pp. 48-49). OFCs are not only positive for foreign investors but also for small states – especially non-sovereign territories – to seek control of their own destiny; creating power through policy. This policy-power-play between the island and the metropolis can be dangerous, as it can create conflict over ‘who does what’ in these policies and could even trigger demands to renegotiate self-rule and autonomy; which would lead to more status debates (Baldacchino, 2004, p. 81).

The metropolis’ fiscal and financial support alleviates the vulnerability of the non-sovereign territory, yet it also works to keep a strong dependence on the same. The financial aid and expertise of the metropolis helps develop a sound and robust fiscal and economic arena, which would not be possible if states would have to rely on their own capabilities (Veenendaal, 2016b, p. 151). Caribbean non-sovereign jurisdictions in particular clearly outperform sovereign states in economic terms (Veenendaal, 2016b, p. 150). This higher economic growth can be related to the economic profits the constitutional relationship with a metropolitan power brings (Baldacchino & Milne, 2006, p. 489).

#### **4.1.3. The Impact of Smallness and Non-Sovereignty on the Relationship**

##### *Adopted Systems*

Farrugia’s claim of small states’ desire of maintaining dependency on larger states can be seen as accurate when looking at Aruba’s two adopted systems from the Netherlands, which creates this ‘miniature model’ that he was talking about. First, the island opted to make its judicial system in the image of Dutch Law (Aruba Legal, 2016); which, according to interviewees, assures legal certainty (Croes, personal communication, May 18, 2016), transparency (Van der Veer, personal communication, May 9, 2016) and stability for all legal affairs done on the island (Yrausquin, personal communication, May 25, 2016) – something highly beneficial for big investors (IBP, Inc., 2013, p. 36). Furthermore, the legal transplant of the Dutch system helped foster democratic values to Aruba (Oostindie and Klinkers, 2001, p. 262). This is crucial to the island, as it established the protection of political freedoms, a functioning democracy, and an internationally recognized judicial system in a country that, if done independently, would not be able to do so. Secondly, Aruba’s educational system is in-line with and modelled after the Dutch system (Department of Education of Aruba). Aruban students also have the opportunity of following higher education in the Netherlands, with

similar privileges to Dutch students. The privileges include getting a Dutch student loan, a supplementary grant, and free use of public transport (Studiekeuze123, 2015). These arrangements are very similar to what was argued for other non-sovereign jurisdictions and their education opportunities in their respective metropolises.

### ***Kingdom Matters***

One of the main forces keeping the relationship positive and united is the fact that both countries are part of a Kingdom. The Kingdom has effectively distributed its main advantages – which significantly broaden their opportunities notwithstanding their scale – across its non-sovereign territories. Firstly, the Kingdom offers its citizens – just as most metropolitan powers do – the Dutch nationality, which comes in the form of a European Union passport. This connects both countries, as well as allows a small country like Aruba to have its citizens migrate freely to the Netherlands and even to the European Union (Oostindie and Klinkers, 2001, p. 262; Croes, 2006, p. 445). Secondly, the Kingdom unity offers a connected defence and foreign relations system for all its countries. This responsibility lies with the Dutch Ministries of Foreign Affairs and Defence, which take care of these departments for the islands (Van der Molen, 2014, p. 4; Rijksoverheid).

### ***Dependence on Dutch Responsibility***

The Dutch government is accountable for Kingdom matters, which implies carrying the burden of faraway countries with different cultures and a different way of thinking. This puts a strain on the relationship, as the Netherlands often encounters difficulties when trying to exercise its Kingdom responsibility. Dutch responsibility encompasses more than just citizenship, foreign affairs, and defence; the Netherlands is also responsible for aiding Aruba in international turmoil and in financial troubles. The metropole only aids the island financially if there is need for it and depending on the quality of the relationship at that moment (Van der Molen, 2014, p. 4). Financial aid has been given to Aruba in various instances; yet these boosts given to the island, according to the former Minister of Netherlands Antilles Affairs, Ernst Hirsch Ballin, have had no financial benefits for the Netherlands (Hirsch Ballin, personal communication, May 10, 2016). It could be argued that Aruba has retained its constitutional link with the Netherlands because of its desire to receive economic aid as well as being able to share risks with it and access privileged markets such as the EU. Moreover, the island enjoys being an offshore financial centre for other countries, which as mentioned before, benefits more than just the island.

Aruba's dependence on the Netherlands is something Croes mentioned; stating that Aruba too often expects the Netherlands to solve local Aruban issues (Croes, personal communication, May 18, 2016). Alders adds to this, stating that ultimately, "[the Netherlands is] responsible for something [it] can't completely control" (Alders, personal communication, May 10, 2016).

### *Financial Issues between Aruba and the Netherlands*

The most pronounced problem Aruba has faced recently is a total negligence of the public finances, which, according to Wever-Croes, is being replaced by even more risky spending (Wever-Croes, personal communication, April 14, 2016). Minister of Interior and Kingdom Affairs of the Netherlands, Ronald Plasterk, was not pleased with this, as the Aruban debt doubled within 5 years and the budget deficit rose to more than 7% (Bhikie, 2014). The severity of the financial crisis became most apparent when in 2014 the island's financial debt reached 80% of the GDP; a shocking level to reach, as the international benchmark for 'serious debt' is at 40% (IMF, 2015, p. 1; IMF, 2002, p. 25). Because of this disregard for spending, Aruba entered a period of serious economic difficulties; which led to Minister Plasterk to instruct the governor of Aruba – through the use of Article 43, paragraph 2, of the Charter – not to sign the Aruban budget for 2014, as a means to first check what the financial problems really were (NOS, 2015). This Dutch decision was not taken lightly by Aruba, as the Charter states that the budget law of each country is autonomous to the country itself; making the intervention on the basis of the budget unconstitutional (Hoogers & Nap, 2004, p. 11). The Netherlands however, claims not to have intervened on the basis of budget, but on the basis of 'mal-governance'. This intervention came in the form of the Board of Financial Supervision Aruba – *College Financieel Toezicht Aruba* (CAFT) implemented by the Kingdom as a tool to monitor Aruban government spending.

Many interviewees do not agree with the way the Netherlands implemented this, yet do see the benefits for the island (Lopez-Tromp, Oduber, Eman, personal communication, April 21, 21, 18, 2016). Moreover, in a recent study by Veenendaal, almost 50% of the Aruban citizens he researched find Dutch financial supervision on the island necessary (Veenendaal, 2016a, p. 26). However, the application of the CAFT does not please all Arubans, especially Prime Minister Eman, whom in July of 2014 went on a brief hunger strike as a reply to the implementation (Vrijssen, 2016, p. 36). Eman decided to get the Netherlands' attention by starving himself as a sign of discontent – claiming he was prepared to die for his country's autonomy – and ended his hunger strike a few days later (Eman, personal

communication, April 18, 2016; Vrijsen, 2016, p. 36). This is something that “sounds pathetic in the Netherlands” for its high emotional level – something established to be a very Aruban, and not Dutch, characteristic – argues political journalist Eric Vrijsen (Vrijsen, 2016, p. 36).<sup>10</sup> This emotional response, says professor Wim Voermans, is understandable, as the island has never been corrected by the Netherlands because of their non-sovereign status, and now that they have given the Arubans “a tap on the fingers”, it “hit them hard” (Bhikhe, 2014).<sup>11</sup>

After having investigated the case, the Council of State, released a report in which they state that the governor of Aruba should have never been instructed not to sign the budget of 2014 (Raad van Staten, 2015a; Rijksoverheid, 2014a). Governors do have double positions in representing both the Kingdom and their countries; however this duality gives them the freedom to make their own decisions on whether they act as one representative or the other (Raad van Staten, 2015b). Tjeenk-Willink’s stance on the situation is that the Netherlands was giving a one-sided order to the governor at the time (Tjeenk-Willink, personal communication, May 20, 2016). Professor Douwe Jan Elzinga argues that the Netherlands is actually allowed to intervene using the governor, yet “that does not mean that it is wise” (Elzinga qtd. in Van Outeren, 2014).<sup>12</sup> Ultimately, the decision was labelled by some, like Yrausquin, as an abuse of power by the Dutch government (Yrausquin qtd in Rasmijn, 2014). According to Dutch media, both countries ultimately came to an agreement in 2015 to keep the supervisory board CAFT intact for the coming years (Huisman, 2015).

This particular case of one financial issue shows just how much non-sovereignty and smallness can play a role in a country’s economics. As Aruba is the smaller non-sovereign player, it was commanded to do what the metropole preferred and ultimately had no choice but to follow the decision made for them.

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<sup>10</sup>All quotations of Vrijsen are Aguirre Broca’s translations.

<sup>11</sup>All quotations of Bhikhe are Aguirre Broca’s translations.

<sup>12</sup>All quotations of Van Outeren are Aguirre Broca’s translations.



## 4.2. The Impact of Smallness and Non-Sovereignty on Governance

### 4.2.1. Smallness

As mentioned before, the vast majority of small states adopt similar regimes to those of their respective colonial metropolitan powers. In the majority of cases, this is a democratic parliamentary regime as they are “well equipped in terms of institutional structure for managing political life and political affairs” (Anckar, 2004b, pp. 214-215). Other reasons why small states may prefer democratic systems could be the fact that democracies attract more international aid and investment, as well as the fact that democracies have a higher chance to join international organizations because of their positive reputation (Erk & Veenendaal, 2014, p. 135). In a study on political regimes of 146 countries from 1960 to 1994, it was concluded that islands especially are more democratic and less autocratic than non-islands (Clague, Gleason, Knack, 2001, pp. 25-31). The researchers behind the study argued that while “small size itself is not conducive to democracy”, being an island is (Clague et al., 2001, p. 31). The small population of an island may allow for cohesive and ethnically homogenous peoples that reaches political consensus and adapts easier to change (Easterly & Kraay, 2000, p. 2021).

#### *Democracy as a Façade*

Small states often copy the democratic political structures of the former colonial power, due to a sense of necessity and familiarity. The political structure is not changed to fit the small state’s values and ways of dealing with politics, which results in the small state having a democratic institution in place to serve more as a façade than to have an actual regulatory and governmental purpose. Guillermo O’Donnell cautioned that it is important to look past the superficial in order to grasp what is really going on in a state (O’Donnell, 1996, pp. 39-40). It is a mistaken notion to assume that all small states are liberal democracies, as they can be as oppressive as large states (Erk & Veenendaal, 2014, p. 137). Studies, such as the ones done by the Freedom House, overemphasize formal aspects of democracy; tend to ignore the informal but real power relations that influence, and often lead to the deviation of, democracy in small states (Erk & Veenendaal, 2014, pp. 135-136).

Real politics and decision making often happens outside of the formal public and institutional channels, as citizens and office holders consider personal contact far more efficient and effective (Erk & Veenendaal, 2014, p. 141). Personal communication is important as it creates close ties between voters and candidates, so much so that often political leaders’ personal emails and phone numbers are easily attainable. The positive side of circumventing formal institutional structures is that even if it undermines transparency and

accountability, it provides citizens with a sense of empowerment and access to politics (Erk & Veenendaal, 2014, p. 141). What makes this close relationship dangerous is the fact that it breeds patron-client relationships and particularism. In the case of politicians, informal decision making becomes the norm and may be used to hide corruption; cater to family, friends and supporters only; disregard opposition voters; and exude executive dominance (Erk & Veenendaal, 2014, pp. 140-143). In the case of citizens, personal connections create strong political preferences; increase political awareness and participation; and keep high voter turnout rates (Erk & Veenendaal, 2014, pp. 143-145).

The personal relation also creates politics and political competition that are strongly polarized. According to Veenendaal, ‘partyism’ is experienced in most small states in which “any political ideas or policy proposals formulated by one political party are likely to be instantly distrusted or rejected by other parties” (Veenendaal, 2016b, p. 156). This rejection is based on the individual and his/her political affiliation and not necessarily on the party’s ideology. Moreover, parties often do not even have ideologies, as they are not evaluated on ideas, only on their personal connections and family traditions (Erk & Veenendaal, 2014, p.142). Thus, there are weakened political parties but a strong polarization between the parties which creates an antagonistic political climate. This not only affects a country’s democracy, but often prevents the consideration of various options as well as the attainment of consensus amongst government officials (Veenendaal, 2016b, p. 156). Unfortunately, this lack of representation is present in most small states and it is proven to impede politicians’ defence of their interests when negotiating with their metropolis (Veenendaal, 2016b, p. 156).

### *Citizens’ Voices*

The way people in small jurisdictions vote often does not reflect what they truly believe or are interested in, as the patron-client politics makes the actual stance of citizens unknown (Veenendaal, 2016b, p. 162). Their vote is normally based on superficial ideas such as family-and-friends ties, favours, and gaining material and financial rewards (Erk & Veenendaal, 2014, pp. 142-143). These rewards can come in different forms, but a popular one is employment in public administration; as it is believed by citizens that it can provide money and work for the rest of their life – the median wage in the public sector as a proportion of GDP in small states is 31% higher than in larger states (Erk & Veenendaal, 2014, p. 114; Oostindie & Sutton, 2006, p. 20). There is also group pressure and intimidations as political affiliations are not private in small communities (Erk & Veenendaal, 2014, p. 143). Intimidation from political opponents and their supporters often comes in the shape of job

rejections and victimization to ensure that the opposition does not receive government services (Erk & Veenendaal, 2014, p. 143). This makes it understandably risky to challenge the dominant government's view.

Furthermore, citizens' votes carry much more weight in small states than in larger ones as the small population size makes each vote stronger percentage wise (Erk & Veenendaal, 2014, p.143). However, they are still sidelined in political discussions as politicians are sometimes not concerned with national interests or policy, but in the distribution of wealth and benefits to their supporters (Veenendaal, 2016b, 160). Once elected, politicians are not likely to be held accountable for their promises made during their campaign (Veenendaal, 2016b, 156). For Caribbean small states, Donald Peters argued long ago that "Democracy means to the Caribbean people the freedom to elect their leaders, but immediately after the elections their political participation ceases. They withdraw from the political process completely and assume their status as subjects of the leaders." (Peters, 1992, p. 113) This not only gives politicians freedom for corruption and patron-client relations, but it also undermines the legitimacy of democracy.

#### **4.2.2. Non-Sovereignty**

Just as in small states, democracy in non-sovereign jurisdictions is often messy, personalistic and patron-client relations have governmental dominance (Erk & Veenendaal, 2014, p. 136). This executive dominance from politicians can create conflict, especially since politicians often do not adequately represent or articulate the views and opinions of their constituents regarding the political status of their country (Veenendaal, 2016b, p. 149). Furthermore, as citizens often do not voice their opinion to politicians on status debates, their representatives – the politicians – formulate the citizen's opinions for them; ultimately determining the preferences and actions of their political status. Veenendaal argues that it is the combination of smallness and non-sovereignty that obstructs the formation of an informed public on their status opinion (Veenendaal, 2016b, p. 149). This becomes an issue as only a small privileged percentage makes decisions for the non-sovereign jurisdiction – in the name of the population with their own interests in mind. This creates misrepresentation of the peoples' voice in the political discussions with the metropolis.

#### ***A Sense of Re-Colonisation***

The lack of autonomy and independence in non-sovereign territories has problematic effects for the sense of nationhood between territory and metropolis, in the creation of an own identity, as well as in political emancipation of the territory (Veenendaal, 2016b, p. 152). The

Caribbean non-sovereign jurisdictions often feel a sense of re-colonisation once their metropolitan power interferes in their politics. Such negative feelings become even more profound when the non-sovereign jurisdiction gets sidelined during negotiations with the metropolis (Veenendaal, 2016b, p. 149).

#### **4.2.3. The Impact of Smallness and Non-Sovereignty on the Governance of Aruba**

Structurally, the relationship between Aruba and the Netherlands is quite hierarchical, as the roles of each country are defined by their size; making the Netherlands the leader because of its population and surface area, as well as its history as an independent sovereign metropolis; while Aruba becomes subordinated because of its small scale. Nevertheless, small sovereign states appear to have reasonably good records of governance, even as their metropolises are still ranked higher (Oostindie & Sutton, 2006, pp. 13-14). The Caribbean region actually ranks the most democratic in the developing world (Oostindie & Sutton, 2006, p. 13). Nevertheless, there has been an increasing concern about the quality of governance in Aruba; a concern related to the “absence or low intensity of ‘good’ democratic and administrative traditions and/or the failure to correct malpractices, creating in the end a culture of poor accountability” (Oostindie & Sutton, 2006, p. 36). Oostindie and Sutton also argue that good governance has actually prevailed and that the democratic system has remained stable because of the Charter of the Kingdom and its institutions that enforce high quality of governance (Oostindie & Sutton, 2006, p. 36). There is, however, more evidence to argue that there is a strong sense of polarisation in place; which can undermine good governance and create the opportunity for mal-governance.

#### ***Partyism***

A recurring issue within the relationship is the fact that Aruba does not manage its own government well and allows polarisation to get in the way of politics. The island has a fairly stable democratic system with two main political parties: the *Arubaanse Volkspartij* (AVP) and the *Movimiento Electoral di Pueblo* (MEP). The parties are, just as most small-scale country parties, not ideologically distinguishable. However, they do have different views - the AVP strives for innovation and international cooperation, while the MEP prefers not to be involved with foreign powers - which often translate into clashes and a negative political climate. As Veenendaal suggested, any political ideas or policy proposals formulated by one of the political parties are often rejected by the opposition. The Aruban parliament is the apparatus that exhibits partyism the most, which, according to Van der Veer, has led many to believe that the parliament “does not function” properly (Van der Veer, personal

communication, May 9, 2016). This phenomenon has not only affected local politics from being exercised neutrally, it has also been damaging the image of the government abroad – especially their relationship with the Netherlands. Croes argues that most of the time, government delegations do not represent Aruba as a whole, as they cannot come to a consensus and often complain to foreign governments and the Netherlands about the opposition (Croes, personal communication, May 18, 2016). This is highly problematic, especially if one thinks of the citizens’ representation of the island. The polarisation also ends up being a burden on the population as ultimately all status decisions are made based on the dominant political party’s interest and not necessarily in the interest of the Aruban people – as happens in most non-sovereign jurisdictions. Oberon Nauta, argues that this happens in all the Dutch Kingdom islands because “you will not be rewarded for honest politics” (Nauta, 2011 p. 154).

### *Overshadowing the Island*

As discussed in the section on the ‘democratic deficit’, the Kingdom Charter is one of the elements in the relationship that not only brings a lot of stability but also brings turmoil to the relationship. There is deficient democratic representation of the islands in the Kingdom institutions and no voting rights on Kingdom treaties (Veenendaal, 2016b, p. 156). Apart from the powerful role of the metropolitan government and the subordinate role of the non-sovereign jurisdiction, one of the biggest issues in the Charter is the undefined limitations; such as the ‘mal-governance’ term in Article 43. This grey area makes it unclear what the islands can and cannot do in certain situations, giving too much room for self-interpretation error. Hooyboer-Winklaar mentioned this by stating that this grey area in the Charter has “never really been defined” and that “if there is no definition, the more powerful partner will define it for you” (Hooyboer-Winklaar, personal communication, April 18, 2016). The lack of defined boundaries in the Charter often leads to the Netherlands intervening and setting these boundaries themselves. The link to a metropolis is said to alleviate and compensate states for the difficulties that come with their small scale and non-sovereignty. Yet, according to Hooyboer-Winklaar, this difference in scale “overshadows” the relationship (Hooyboer-Winklaar, personal communication, April 18, 2016). Similarly André Bosman – member of the Dutch party VVD – argues that the Dutch involvement probably makes it difficult to work freely and that it “might be frustrating at times” having a “government that overlooks their activities” (Bosman, personal communication, June 2, 2016). Alders agrees by stating that Aruba suffers from “[limitations] in human capital, in capacity, in economic viability”, which

can be interpreted as the island being weaker than its European partner, mainly due to smallness (Alders, personal communication, May 10, 2016). Scholarly literature has also shown that this overshadowing by a bigger-scaled government is common when dealing with small states (Veenendaal, 2016b, p. 155). This can be seen as all six islands of the Kingdom have complained about the lack of autonomy and increasing Dutch interference in their local matters and during meetings with the Netherlands express it as Dutch re-colonisation – just like other non-sovereign islands do when the metropolitan power interferes (Veenendaal, 2016b, p. 156).

### *Increased Cooperation*

The Netherlands is said to sometimes be too firm on Aruba, even when the island is doing well compared to the others; something that Bosman agrees on by stating that the Netherlands is “sometimes close controlling” (Bosman, personal communication, June 2, 2016). Nel Oduber’s – former Prime Minister of Aruba - opinion on the matter is that the Netherlands has consistently been reluctant to use a moderate tone towards the countries, unless the end goal is beneficiary for them (Oduber, personal communication, April 21, 2016). According to Oostindie, Aruba has always seen the relationship with the Netherlands as extremely important and necessary (Oostindie, 2013, p. 180). Many Arubans believe that the relations with the Netherlands should intensify, yet have often felt neglected by the Dutch; who they believe have little-to-no knowledge of the Aruban culture, and have little respect for it; a common small-state issue (Oostindie & Klinkers, 2001, p. 265; Samson, 2016; Veenendaal, 2016b, p. 153).

Even though there are constant disagreements between Aruba and the Netherlands, there has also been a recent increase in the cooperation between the jurisdiction and its metropole. Aruba has increased its positive stance towards the Netherlands, as it does not complain about the common colonial sentiments that are seen in the other islands (Meeus, 2013). The island has also started to work with the Netherlands in order to position itself as a valuable asset for the Kingdom (Meeus, 2013). The Netherlands on the other hand has started discussions on important issues in order to alleviate the island’s difficulties and at the same time, according to Yrausquin, has learned when to “stop pushing” the island (Yrausquin, personal communication, May 25, 2016). This positive change in the relationship has led to increased cooperation between the two countries; which ultimately led to the formulation by Aruban politicians of a new Kingdom vision, in which forming a strategic partnership is key for a win-win situation; something that did not exist before (Amigoe, 2016). Tjeenk-Willink

sees this vision as a creator of cooperation and positivity on what is to come for the Kingdom (Tjeenk-Willink, personal communication, May 20, 2016). The vision – formulated by Prime Minister Eman and his government – sheds a positive light for the coming years of the Kingdom.

Cooperation has been seen even within the countries' government party relations, as the Aruban AVP has developed a good relationship with the CDA (Christian Democratic Appeal) of the Netherlands. Moreover, the Netherlands and Aruba have also worked together in promoting the island as a gateway to the Latin American region mainly for its geographical location and its knowledge on the language and business culture of both Latin America and Europe (Schaafsma, 2009; Achtereekte, 2013). This advantage was highlighted during the 'Europe meets the Americas' conference in 2013 on Aruba, where 250 – Dutch, Aruban and Latin American – companies and organizations came together to do business (Achtereekte, 2013). The then Dutch minister of Foreign Affairs, Frans Timmermans, highlighted the event by stating that the event showed how “the Caribbean countries of the Kingdom know how to bridge the gap between Europe and North and South America”(Rijksoverheid, 2014b).<sup>13</sup> Furthermore, both countries have also cooperated in the international arena, as can be seen in the UN Security Council seat lobby for 2017 (Rijksoverheid, 2015). During this lobbying, Aruba became an ambassador for the Kingdom and a lobbyist for the Netherlands' nomination for the seat (Vrijssen, 2016, p. 38). According to Van der Veer, the lobby was “very helpful” because it was a “direct benefit [for the Netherlands]” (Van der Veer, personal communication, May 9, 2016). As Aruba is quite connected and cooperates with foreign countries while distinguishing itself in the international arena, the island contradicts the belief of some scholars who state that islands tend to suffer from remoteness.

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<sup>13</sup>All quotations of Timmermans are Aguirre Broca's translations.

## **5. Discussion**

### **5.1. The Relationship**

The hierarchical relationship between the Netherlands and Aruba is not only based on colonial history but also on discrepancies in size. The effect of Aruba being small is the main reason the two states do not see each other as equal, which in turn only brings strain to the relationship. The fact that the Dutch government sees only limited geopolitical or economic interest and is accountable for all Kingdom matters only adds more tension due to the burden of having to care for faraway countries with different cultures and with a completely different way of thinking. From a Dutch perspective the strain on the relationship and the difficulties of exercising Kingdom responsibility brings malcontent and a feeling of wanting to get rid of its former colonies; and from an Aruban perspective this enforcement is conflicting with their values. Yet as many Arubans believe that the relations with the Netherlands should intensify, it shows that they actually feel urgency for the Dutch to take more responsibility.

It is plausible that the history of the relationship between the two countries is damaged by the back and forth critique and accusations of one another, which leads to both countries feeling perpetually wronged by the other. Ever since the 1970s, Aruba has been labelled as a burden, with its local politicians often defined as unpredictable and untrustworthy. This, arguably, is the main reason why Dutch politicians maintain a negative stance towards the island and its issues. On the contrary, Aruba has labelled the Dutch government as close controlling and sometimes even classifies their actions as re-colonizing. Moreover, the fact that the charter does not have clear definitions or limitations on intervention, makes it unclear when the Dutch government is allowed to and will intervene, which is highly frustrating for Arubans.

Aruba's strong dependency on the Netherlands' defence, international affairs, and fiscal and financial support creates expectancy from Aruba that the Netherlands will solve all local issues. This dependency is highly contradictory to the Charter's definition of the island being equal to the Netherlands; yet it also verifies the fact that the island's non-sovereign status and smallness in the end does not make it equal to its metropolis. Furthermore, the dependence on economic support as one of the reasons to remain linked to the Netherlands only increases the belief that the financial relationship between Aruba and the Netherlands is one-sided, with monetary flows only going from the metropolis to the jurisdiction. This strains the relationship further as it seems to be less beneficial for the Netherlands to have this connection.



On the issue of status, if one looks at Aruba as a non-sovereign jurisdiction that falls under the Kingdom, it would be reasonable to conclude that the Netherlands should also be considered non-sovereign since the Kingdom of the Netherlands – the overarching sovereign power – is based on the Charter that declares all four countries within the group as equals. Therefore, the Netherlands acting as the sovereign power within a non-sovereign status perpetuates the democratic deficit; which adds to the lack of Kingdom government and impedes cooperation within the Kingdom. Naturally, being the metropole in the Kingdom, the Netherlands acts like the leader of the group, yet this brings even more turmoil to the relationship seeing that it does not have full legitimate power to lead the Kingdom if one only considers the Charter and not the scale.

It can also be argued that the back and forth criticising and accusing one another is something of the past and that both countries have moved forward to instead increase cooperation. Due to globalisation, the influence of distance and scale has diminished in the international arena, and dependency and cooperation has become an asset rather than a weakness; which is why small non-sovereign jurisdictions like Aruba keep their constitutional bond with their metropole, as it can benefit them more to cooperate than it harms them. As a non-sovereign jurisdiction, Aruba has perhaps come to the realization that in order to continue receiving metropolitan support and protection, the island has to cooperate to better the relationship and become an asset to the Netherlands. If the Netherlands would decide not to support Aruba any longer, it could have devastating effects on the island but little-to-no implications on the metropole.

## **5.2. Aruban Good Governance**

As discussed in the beginning of the research, no real measuring tools exist to define good governance, yet there is a rather broad agreement on how one could measure it; first, transparency, openness and accountability of government; second, political stability; third, efficient, responsive and effective administration; and fourth, respect for human rights and the rule of law. Therefore, in order to answer whether Aruba has good governance, these points will be discussed one by one using the findings in this paper.

First, it is questionable whether Aruba has a transparent government, as there is intense personal communication between voters and candidates which circumvents formal institutions and ultimately undermines transparency and accountability. Thus, the assumed openness of the island's politics not only empowers citizens to access politics, but also undermines the accountability of the politicians' actions because of partyism that its small

scale brings. This small privileged percentage ends up making polarised decisions for the non-sovereign jurisdiction, at times misrepresenting the people's voice in political discussions with the metropolis. It is plausible that Aruban politicians thus might have the power to negotiate with the Netherlands on the populations' behalf, while strictly negotiating in their own personal interest – which can include benefiting their political party, enlarging their international credibility, pushing their policies, etc. This misrepresentation can lead to inappropriate policies and practices be put into place, such as high spending or norm-conflicting policies, which can be extremely difficult to recover from for small countries.

Second, the case can be made that Aruba's politics are generally stable; even taking into account the riots and fraud that were taking place in the 1970s. The credibility of Aruba's governance was questionable back then, yet civil unrest has remained low since the 1980s. Furthermore, the legal transplant of the Dutch political system established the protection of political freedoms, a functioning democracy, and an internationally recognized judicial system; something it might not have had if it were not a non-sovereign country. However, the informal decision making and strong patronage that smallness and non-sovereignty have brought on to the island clash with the implemented Dutch system; as Aruba's values are based on catering to family, friends, and supporters and to disregard the opposition. These illiberal practices of patronage can lead to the intimidation of its citizens and the undermining of the legal system in place. Nevertheless, these informal values also increase political awareness and participation, which keeps voter turnout high.

Third, it could be reasonable to argue that Aruba does not manage its own government efficiently or effectively. This could be seen in the way polarisation has led to the belief that parliament does not function properly and in the way partyism gets in the way of policy proposal consensus. The rejection of ideas generally ends up being for individualistic reasons and politically affiliated, which can damage the country's image but also its efficiency in administration. The island's financial issues also contributed to the government being inefficient, as the problems escalated so far that the metropole implemented a supervisory board for financial spending.

Finally, it can be argued that there is clear respect for human rights and the rule of law on the island. This could be attributed to the fact that Aruba chose to make its judicial system in the image of Dutch law, which ensured crucial democratic institutions that enforce the rule of law effectively on the island.

## Conclusion

By looking at the initial structural questions, combining it with the analysis on small states and non-sovereignty and with the final discussion, we can answer the main research question; to what extent do smallness and dependence influence the quality of governance and the relationship between the small non-sovereign jurisdiction of Aruba and its metropolis, the Netherlands?

If one measures the quality of governance with the four previously mentioned requirements for good governance, one could see that the quality of Aruba's governance is not at the level it should be to be considered 'good'. In the case of transparent, open and accountable government, Aruba's smallness influences government negatively, as political relationships are far too personal and there is a lack of accountability in governmental representation. Similarly, efficient, responsive and effective administration is also negatively influenced by the island's scale, as there are patron-client relationships that obstruct efficient and effective governmental practices. However, when looking at the two remaining categories – political stability and respect for human rights and rule of law – the fact that Aruba is a non-sovereign jurisdiction influences them positively, as the Dutch legal transplant helped foster democratic values. This clash between the positive side of having a non-sovereign status and the negative side of scale is equally visible in the relationship between Aruba and the Netherlands. Non-sovereignty has kept the relationship positive, as it provides checks and balances that guarantee the enforcement of good quality government on the island. Yet, scale has kept the relationship negative as the islands' smallness and vulnerability contribute to democratic façades that end up costing the island its positive relationship with the Netherlands. In the end, it could be argued that the combination of smallness and non-sovereignty creates a relationship based strongly on the dependence of Aruba on the Netherlands; with Aruba's size creating a certain inequality backed by the sometimes unclear sovereignty of the Charter.

Ultimately, the largest negative influence on Aruba's governance and relationship with the Netherlands is its smallness, which is not something that can be changed. Non-sovereignty on the other hand influences both the relationship and the Aruban governance positively and thus should be used to close the gaps that scale brings with it. If Aruba would opt to change its status by becoming sovereign, the island would not have any external guarantee for good governance, or having the backing of a large country, and could potentially suffer all vulnerability of being small. This is where other non-sovereign small jurisdictions in a post-

colonial relationship can learn from this case study: being aware that scale cannot be influenced and that non-sovereignty can be a tool to positively influence governance. In the case of Aruba one can learn that it is important to have well-defined boundaries with no grey areas, a dispute resolution in place through a neutral institution, and being aware that legal transplants of political systems can clash with cultural values in place, in order to insure non-sovereign stability. Finally, it is important to remember that there is no 'best model' for all non-sovereign small jurisdictions. It all depends on the circumstances and history the countries in question have with one another.

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