The Netherlands' Dutch Caribbean Problem
by Zachary Meskell

Eerder schreef *Civis Mundi* meermaals over corruptie in verband met de zes eilanden in de Antillen die deel uitmaken van het Koninkrijk. Mij beperkend tot de meest recente jaren, vind ik dan:

1. 17-06-30, *Burgers van Curaçao mobiliseren voor de strijd tegen corruptie* in: *Civis Mundi Digitaal* **#47,** juni/juli 2017.
   https://www.civismundi.nl/index.php?p=artikel&aid=3467
2. 18-01-31, *Mi mannan ta limpi – mijn handen zijn schoon* in: *Civis Mundi Digitaal* **#54**, Januari 2018.
   https://www.civismundi.nl/index.php?p=artikel&aid=3780
3. 19-04-30 (1), Armand Hessels, *Aruba* in: *Civis Mundi Digitaal* **#82**, April 2019 (II), https://www.civismundi.nl/index.php?p=artikel&aid=5067
4. 20-10-31 (1), *Drie minister-presidenten vragen samen 1 miljard euro van Nederland* in: *Civis Mundi Digitaal* **#100**, Juli 2020.
   https://www.civismundi.nl/index.php?p=artikel&aid=5966

5. 22-02-28, rev 1, *Civis Mundi Digitaal* **#120**, febr. 2022, overgenomen uit GAB:
   The Netherlands' Dutch Caribbean Problem | GAB | The Global Anticorruption Blog
   https://globalanticorruptionblog.com/2022/01/17/the-netherlands-dutch-caribbean-problem/

Het misstaat bepaald niet dan ook eens een volstrekte buitenstaander ruimte te bieden, een academicus met ter zake van corruptie een wereldwijd goede reputatie, die zijn informatie en beeldvorming opschrijft in een blog dat aanvankelijk verscheen in het GAB (*the Global Anticorruption Blog* https://globalanticorruptionblog.com/), nu dan ook in Civis Mundi Digitaal.

Het is in elk geval al belangwekkend te lezen wat zijn indruk is van de constitutionele opbouw van het Koninkrijk waarvan het overgrote landsdeel in Europa ligt, met ook 98% van de totale bevolking in Europa, en drie landen in de Antillen met nog drie Nederlandse gemeenten, die samen als zeven entiteiten een koninkrijk vormen. Die ruimte krijgt hij nu bij ons.

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Posted on January 17, 2022 by Zachary Meskell

The Kingdom of the Netherlands has a corruption problem. Although the *country* of Netherlands maintains a squeaky-clean image, ranking eighth in the world on Transparency International's Corruption Perceptions Index (CPI), the *Kingdom* of the Netherlands is comprised of not only the Netherlands itself, but also three semi-autonomous island countries in the Caribbean. These island countries, along with three territorial islands directly controlled by the Netherlands, collectively form the Dutch Caribbean. And the Dutch Caribbean, unlike the Western European country, has a serious corruption problem, the severity of which is being diluted by the positive perceptions of the Netherlands.[1]

Before addressing corruption in the Dutch Caribbean specifically, it's worth explaining the Kingdom's somewhat unusual constituent-country structure. Technically speaking, the Kingdom is composed of four equal autonomous countries: The Netherlands, Aruba, Curacao, and Sint Maarten. The citizens of all four countries are Dutch nationals. Each country has its own constitution and parliament, but the Kingdom is sovereign, retaining responsibility for foreign policy, defense, and other "Kingdom issues," including oversight of human rights and freedoms within all Kingdom territories. Of the four countries that comprise the Kingdom, the Netherlands is by far the largest, accounting for 98% of both the Kingdom's land mass and population. And although Aruba, Curacao, and Sint Maarten each have a representative within the Kingdom's council of ministers, the Netherlands in effect also directly controls the Kingdom, as well as the Caribbean islands of Bonaire, Saba, and Sint Eustatius, which are Dutch territories.

Most international corruption assessments lump the Dutch Caribbean in together with the Netherlands. The CPI, for example, does not include separate evaluations for Aruba, Curacao, or Sint Maarten, nor does the U.S. State Department. The tendency to consider the Dutch Caribbean as part of the Netherlands, and to provide a single report or score for "the Netherlands" as a whole, obscures the fact that the Dutch Caribbean does, in fact, have a very serious corruption problem on each of its constituent islands, as the following brief survey illustrates:

Aruba. Aruba, to quote a former member of Dutch parliament, is "corrupt as hell." [2] Since 2018, the Central Bank of Aruba (CBA) has conducted an annual corruption perception survey to take the place of the separate report that Transparency International has not been conducting. The results are not encouraging. In 2020, CBA found that "94% of respondents believed corruption was 'widespread,' up from 81% in 2019." In early 2021, Aruba's governing coalition collapsed entirely amid a corruption scandal – the second in two years. Later, in August, a former minister from a different party was sworn into parliament the same week he was released from prison during a corruption investigation.

Curacao. Although one private security firm listed corruption in Curacao as "low by regional standards," this positive attribution may be because "Curacao remains part of the Netherlands." The story on the ground is not so optimistic. In 2013, Transparency International conducted a National Integrity System (NIS) assessment of Curacao, and found significant weaknesses in the public sector, political parties, and the media. That same year, Curacao's most prominent anticorruption politician was assassinated in broad daylight. Although the murder was later attributed to a drug gang, the assassination contributed to a broad dampening of press freedom. Although the Netherlands ranks among the world's top countries for freedom of the press, Curacao's journalists—especially those reporting on high-level corruption—live in an environment of fear. In 2016, the first comprehensive UNESCO report on the subject found that Curacao's "media are unable to adequately play their role as watchdog over the authorities and the other powerful stakeholders in society."

Sint Maarten. Transparency International's 2015 NIS report on Sint Maarten concluded that the "internal governance dimension, consisting of transparency, accountability and integrity, is the weakest dimension in the overall NIS of St. Maarten." The report further noted that, although some integrity laws were in place, they had seen no use whatsoever under the past two administrations. In addition, Sint Maarten has struggled with corruption in the allocation of disaster relief funds. In 2018, following Hurricane Irma, the Netherlands imposed conditions on relief funds, including "a monitoring system to oversee the monetary flow and implement anti-corruption measures." The then-prime minister of Sint Maarten refused to accept the funds at all under those conditions, and eventually resigned.

Caribbean Territories (Bonaire, Saba, and Sint Eustatius). The Territories also struggle with corruption issues, albeit to a lesser extent. The early 2010s saw a rash of corrupt activity across all three territorial islands, and bribery has been alleged to play a role in the formation of the governments that played a part in the islands joining the Netherlands after the dissolution of the Netherlands Antilles in 2010.

Because the Kingdom of the Netherlands is typically considered as a whole, these corruption issues have gone largely unnoticed outside of the islands' local press. This should change. It's well past time for the Kingdom to start taking flack for the corruption in its constituent states when it is evaluated by foreign countries, media, and NGOs. International attention and criticism would help push the Kingdom to take a more active role in addressing these problems. In fairness, the Kingdom has already taken some steps to address concerns about corruption in the Dutch Caribbean islands. For example, as noted above, the Netherlands has started to impose anticorruption conditions on disaster relief money (for example, in 2018 and 2021)—an important and laudable step. The Kingdom has also posted a small anticorruption taskforce in Curacao as of 2016. But more can and should be done.

Now, I am admittedly not an expert on the nuances of the Kingdom's governing Charter, but it seems to me that the Charter would permit the Kingdom to play a more active role in fighting corruption. The Charter guarantees fundamental human rights and freedoms, legal certainty, and "*deugdelijk bestuur*," which is typically translated into English as "good governance," but in the context of the Charter is specifically aimed at political integrity and corruption. Although the Charter mandates that each country has the duty to promote the realization of these rights, the safeguarding of these rights and good governance is a Kingdom Affair under Article 43 of the Charter. Under Article 51, if any organ in the constituent countries fails in its duties of good governance as provided by the Charter, the Kingdom may act, so long as it sets forth the legal grounds and reasons for doing so. This means that if, in the judgment of the Council of Ministers, " an autonomous country fails to fulfil its duty adequately" in the safeguarding of good governance, the Kingdom can take action. Indeed, there is some precedent—though admittedly rare—for this sort of intervention: The Kingdom has successfully invoked Article 43 of the Charter to intervene in governance-related matters such as financial policy and fair elections. Although these interventions have been met with furious resistance from the Caribbean countries—in 2014, when the Council of Ministers ordered an investigation into Aruba's finances, the Prime Minister of Aruba went on hunger strike for a week and the Aruban government attempted to take legal action—the Kingdom has ultimately prevailed. These precedents indicate that the Kingdom could directly impose certain anticorruption reforms with the aim of providing the Caribbean countries with more oversight, resources, and greater capacity to investigate and prosecute corruption.

Finally, a word of caution, and perhaps an explanation for why these more direct interventions have not happened already. Anticorruption interventions – especially of the direct kind advocated for here – are likely to be deeply unpopular in the islands. The Netherlands acquired its Caribbean holdings through colonization, and the specter of imperialism looms over the Kingdom's interactions with the islands to this day. The Dutch government is wary of seeming like a colonizer, and the Caribbean governments play into that fear avoid corruption oversight. For instance, when the Netherlands conditioned pandemic relief to Sint Maarten on the latter's government overhauling, among other things, exorbitantly high public official salaries, Sint Maarten's Prime Minister accused the Dutch government of racism and colonialism, and Sint Maarten filed a petition with the UN accusing the Netherlands of "racial discrimination." While one must always be appropriately sensitive to the history of colonialism and its present-day consequences, it is nevertheless difficult not to view this as an attempted deflection from a legitimate anticorruption effort, especially given Sint Maarten's more transparently self-serving

resistance to anticorruption oversight in the past. Were these countries truly independent, that would be another story. But they remain constituents of the Kingdom of the Netherlands, and the Kingdom can – and should – enforce good governance.

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[1] Hier is een waarschuwing op zijn plaats. De auteur gaat er kennelijk zonder meer vanuit dat corruptie op de zes eilanden 'erger' is dan in het Europese deel van het koninkrijk. Dat is een niet bewezen stelling. Ik denk zelf dat - als alle *grote corruptie* die per geval honderden miljoenen euro's groot kan zijn - mee in aanmerking zou worden genomen, eerder van het omgekeerde sprake zal zijn. Dit ontkracht overigens niet de stelling van de auteur dat er is: '….. a very serious corruption problem on each of its constituent islands' ….. . Maar dit betekent nog niet dat Aruba, enzovoorts, meer corrupt zouden zijn dan het Nederland in Europa.

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***** voetnoot 2
220228, voetnoot 2, Civis Mundi # 120, febr. 2022.

220228, Caribian corruption via GAB
[ARUBA GOVERNMENT COLLAPSES IN CORRUPTION SCANDAL (caymaniantimes.ky)](caymaniantimes.ky)

Caymanian Times 06 Apr, 2021

ARUBA GOVERNMENT COLLAPSES IN CORRUPTION SCANDAL

The Aruba government has collapsed amidst a corruption scandal and voters will now go to the polls in June, three months ahead of the constitutionally due date in September.
Prime minister Evelyn Wever-Croes made the shock announcement in a Facebook post.
"There are times when it is necessary to make difficult decisions, but when one follows the path of integrity and puts God first, one knows you are on a good path," the leader of the coalition-leading MEP (Movimiento Electoral di Pueblo/People's Electoral Movement) wrote on Tuesday March 31st.
It follows an investigation by the Dutch Caribbean territory's Public Prosecution Service into her coalition partner POR (Pueblo Orguyoso y Respeta/Proud and Respected People) party on allegations of embezzlement. Bank accounts of a foundation connected to the POR were seized, but the leader, Minister of Justice Andin Bikker, distanced himself from his own party in the process.
The POR was also embroiled in a scandal last year involving another minister.
Voters will now go to the polls on June 25th to elect 21 members to the Aruba parliament called the Estates.

Coming out of the 2017 election, a coalition of the MEP, POR and RED (Red Democratico/Network of Electoral Democracy) parties formed the government forcing the powerful AVP (The Aruban People's Party/Arubaanse Volkspartij) into opposition.

Ten parties, two more than 2017, will contest the June election.

Aruba which operates under a proportional representation parliamentary system is a constituent country of the Kingdom of the Netherlands. It has full autonomy over internal affairs, while the Dutch government handles foreign and defence policy with broad Kingdom oversight on governance issues.

The tourism-dependent island has been heavily impacted by the COVID-19 pandemic. Aruba has recorded 9,560 cases with 84 deaths and its economy has contracted by a quarter in the past year.

June's snap election follows polls elsewhere in the Dutch Kingdom in the past month.

In Curacao, a new government was installed led by Gilmar Pisas of populist Future of Curaçao/Movementu Futura Korsou (MFK) party, while in The Netherlands, Dutch Prime Minister Mark Rutte is in talks to lead the new coalition government following snap elections there. *****