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Political decolonization and self-determination : the case of the Netherlands Antilles and Aruba

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Political Decolonization and Self-Determination

Political Decolonization and Self-Determination

The Case of the Netherlands Antilles and Aruba

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Steven Hillebrink

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Preface

When I started working on this research project in 1999, it seemed unlikely that the constitutional reform of the Netherlands Antilles – which had been talked about for so many years – would lead to any concrete results in the near future. But the past few years have turned out to be rather turbulent for the relations between the Netherlands, Aruba and the Netherlands Antilles. As the years went by, the prospect of fundamental changes became more likely, and at one point it seemed that the Netherlands Antilles would be finished before my study would. Hopefully the results of my research will contribute to the debate on the constitutional future of the Kingdom in the Caribbean. But in any case, I have thoroughly enjoyed being able to spend these years learning more about the Dutch tropics and their troublesome but warm relations with the Netherlands.

While risking to omit certain people, I would like to extend a word of thanks to those who helped me complete this study. I received travel grants from the *Nederlandse organisatie voor wetenschappelijk onderzoek* (NWO) and the *Leids universitair fonds* (LUF). At the Ministry of the Interior and Kingdom Relations, Jon Schilder was kind enough to grant me the occasional time off to complete the final Chapters.

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My family, friends and colleagues at the University and the Ministry have often had to put up with my absence or absentmindedness during these past years. I want to thank especially my parents, Carlien, Michiel, Henk, Suzanne, Marion, Leontine, Mentko, Taco, Esther, Ton, Chiara, Quinten, Nathan, Tibor and all those others who supported me, for instance by regularly confronting me with the question ‘*boek al klaar?*’ But most of all, I want to thank Renselotte.

Finally, two words of warning. *Firstly*, the contents of this study should in no way be construed as representing the opinion of the Dutch government.

My research was mainly conducted at the University of Leiden, and finished during time off while I worked at the Dutch Ministry of the Interior and Kingdom Relations. *Secondly*, the manuscript was up to date on 1 July 2006, as far as possible. Events which occurred after this date have not been systematically incorporated into the text.

Amsterdam, December 2006

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Abbreviations

AB	<i>Administratiefrechtelijke beslissingen</i>
ACP states	African, Caribbean and Pacific states
AVP	Christian-democratic party (Aruba)
CAP	Common Agricultural Policy
CARICOM	Caribbean Community and Common Market
CDA	Christian-democratic party (Netherlands)
D66	Social-liberal party (Netherlands)
DOMs	<i>départements d'outre-mer</i> (overseas departments of France)
EC	European Community
EEC	European Economic Community
ECHR	European Court of Human Rights
ERNA	<i>Eilandenregeling Nederlandse Antillen</i> (Regulation for the islands of the Netherlands Antilles)
EDF	European Development Fund
Et seq.	<i>Et sequens</i> (and further)
EU	European Union
FOL	Labour party (Curaçao)
GA	General Assembly
GAOR	General Assembly Official Records
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ILC	International Law Commission
ILO	International Labour Organisation
IMF	International Monetary Fund
LJIL	<i>Leiden Journal of International Law</i>
LPF	Party founded by Pim Fortuyn (Netherlands)
MEP	Party founded by Betico Croes (Aruba)
NAM	Non-Aligned Movement
NJ	<i>Nederlandse jurisprudentie</i>
NJB	<i>Nederlands juristenblad</i>
NSGT	Non-Self-Governing Territories
JO	<i>Journal officiel</i>
OAS	Organization of American States
OCT	Overseas Countries and Territories of the European Union
PvdA	Social-democratic party (Netherlands)
Res.	Resolution
RTC	<i>Ronde Tafel Conferentie</i> (Round Table Conference)

SEW	<i>Sociaal-economische wetgeving; Tijdschrift voor Europees en economisch recht</i>
SP	Socialist party (Netherlands)
<i>Stb</i>	<i>Staatsblad</i>
<i>Stcrt</i>	<i>Staatscourant</i>
TOMs	<i>territoires d'outre-mer</i> (overseas territories of France)
UK	United Kingdom of Great-Britain and Northern Ireland
UN	United Nations
UNDP	United Nations Development Programme
UPT	Ultra-Peripheral Territories of the European Union
US	United States of America
VVD	Liberal conservative party (Netherlands)
WTO	World Trade Organization

Explanation of Frequently Used Terms

Administering States	Member States of the United Nations which are responsible for the administration of one or more Non-Self-Governing Territories in the sense of Chapter XI of the UN Charter.
Caribbean Countries	The Netherlands Antilles and Aruba.
Council of Ministers of the Kingdom	<i>Rijksministerraad</i> – The Council of Ministers of the Kingdom consists of the members of the Council of Ministers of the Netherlands and the Ministers Plenipotentiary of the Netherlands Antilles and Aruba.
Decolonization Committee	‘Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples’ also called the ‘Special Committee’, or the ‘Committee of 24’.
Fourth Committee	‘The Special Political and Decolonization Committee’ of the UN General Assembly, which each year discusses the decolonization issues on the agenda of the GA.
Governor	<i>Gouverneur</i> – Representative of the King of the Netherlands in the Netherlands Antilles or Aruba and head of government in those Countries.
<i>Handelingen</i>	Minutes of the debates in the <i>Staten-Generaal</i> . <i>Handeling I</i> refers to the debates in the Senate and <i>Handelingen II</i> refers to the debates in the Lower House.
Island Territory	<i>Eilandgebied</i> – Administrative unit of the Netherlands Antilles. Each of the five islands constitutes a separate Island Territory.
<i>Kamerstukken</i>	Official records of the <i>Staten-Generaal</i> of the Netherlands.
Kingdom act	<i>Rijkswet</i> – A statute adopted jointly by the Kingdom government and the <i>Staten-Generaal</i> , and which regulates a Kingdom affair, or which contains an agreement between the Countries concerning an autonomous affair.

Kingdom affairs	<i>Koninkrijksaangelegenheden</i> – Common affairs of the three Countries, for which the Kingdom as a whole is responsible.
Kingdom Government	<i>Koninkrijksregering</i> – The King and the Council of Ministers of the Kingdom.
Kingdom regulation	<i>Algemene maatregel van Rijksbestuur (AMvRB)</i> – A regulation adopted by the Kingdom government, regarding a Kingdom affair, or containing an agreement between the Countries concerning an autonomous affair.
Lower House	<i>Tweede Kamer</i> – The politically leading house of the parliament of the Netherlands (<i>Staten-Generaal</i>)
Metropolis	Refers to a (former) mother country of an overseas territory, or the government of such a country.
Minister Plenipotentiary	<i>Gevolmachtigde minister</i> – The representative of the government of the Netherlands Antilles or Aruba in The Hague. The Minister takes part in the meetings of the Council of Ministers of the Kingdom and has the right to participate in the debates of the <i>Staten-Generaal</i> .
<i>Raad van State</i>	The main advisory body of the government of the Netherlands. The <i>Raad van State</i> of the Kingdom consists of the members of the Dutch <i>Raad van State</i> , with the addition of two members who are nominated by the governments of the Netherlands Antilles and Aruba.
Round Table Conference	A conference at which the Countries of the Kingdom convene to discuss constitutional reform.
Senate	<i>Eerste Kamer</i> – the upper house of the <i>Staten-Generaal</i> .
<i>Staatsregeling</i>	The regulation containing the internal constitution of the Netherlands Antilles or Aruba.
<i>Staten-Generaal</i>	The parliament of the Netherlands, consisting of a Lower House, which is politically leading, and a Senate.
<i>Staten</i>	The parliament of either the Netherlands Antilles or Aruba.
Supreme Court	<i>Hoge Raad</i> – Highest court of law in the Netherlands, which also functions as the highest court for the Netherlands Antilles and Aruba in some areas of the law.