



Q & A Constitutional relations; sharing and applying the knowledge

On June 24th, the first of three workshops organized in preparation of the forthcoming elections of the Island Council, took place in the Mike van Putten Youth Center a.k.a. The Lions Den.

The questions and contributions from those present show that St. Eustatians are concerned with the way in which St. Eustatius and the other BES-islands are governed. Questions touched upon St. Eustatius's involvement in the Dutch Association of Municipalities (VNG), linkages between St. Eustatius and National politics, the WOLBES and the Kingdom Representative.

The answers to these questions can be found herewith below, as provided by the VNG and the Ministry of Internal Affairs.

1. How does VNG prepare civil servants from EURO NL before coming to the islands to work in government on the local level?

The VNG and the national government have signed a letter of intent to boost exchange opportunities between Dutch municipalities and the six islands in the Caribbean part of the kingdom. This happened on June 4th 2019, during the first day of the VNG Annual Congress.

The aim of the collaboration is to unlock knowledge of the Dutch municipalities for the Dutch municipalities in the Caribbean part of the Kingdom.

Agreements will be made about the mutual exchange of civil servants for effectively transfer of knowledge and experience of the European Dutch municipalities and to strengthen the government of the islands. The exchange program has the intention to create a more structural character.

In the summer of 2020 there must be a covenant that supervises the agreements made. As soon as more is known about the content of the program, further information will follow.



2. How is Statia represented in the VNG?

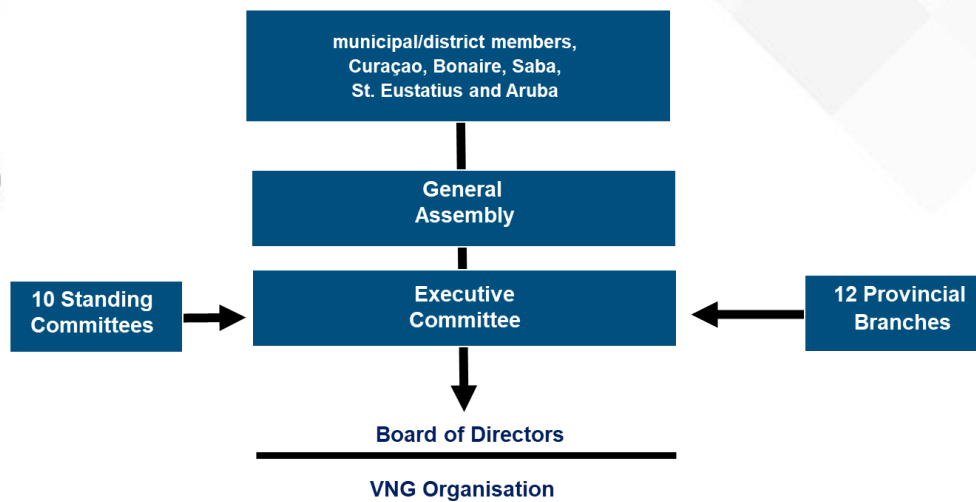
The VNG has for many years made the connection between the Caribbean islands of the Kingdom and the Dutch municipalities. In 1995 this connection was formalized with the membership of the VNG. Since then, in addition to all 355 municipalities in the European Netherlands, St. Eustatius is member of the VNG

Specific issues require most of the time a tailor-made answer. The more specific the question, the more the VNG must examine to what extent the VNG can answer such questions. It is therefore important for the VNG to maintain good contact with the Statia and the Ministry of the Interior and Kingdom Relations (BZK) for questions.

The VNG supplies various products and products to its members in the European Netherlands services, which may also be of use to Statia The core business of the VNG in terms of products and services includes:

- VNG website, including manuals, best practices and current information about local themes;
- VNG Magazine;
- Information center for initial answering of questions and referral to experts;
- Model Regulations: support in updating local regulations;
- Expertise VNG policy teams;
- Exchange: forming a network for exchange programs between Caribbean members and municipalities in the European Netherlands.

The organization chart shows how Statia is formally positioned in the VNG organization.



3. Conflict of interest (administrative culture): who is to judge when a conflict of interest occurs? What are criteria? How is this determined?

The WOLBES stipulates which functions are incompatible with the Island Council membership.

The Island Council itself determines which subjects are included in the code of conduct. This could include ancillary positions, prohibited actions, declaration behavior, the use of public sector facilities for private purposes, the acceptance of gifts, travel and business interests.

4. Political parties on Statia lack linkages with party members on the national level, that EURO NL political parties generally do have. How can Statia compensate for this, so that Statian political parties too can influence the national agenda?

In the past, it has been agreed between the VNG and the Caribbean members that representing interests with the central government and with Second and First Chamber, is primarily done by the islands themselves. The Caribbean members have direct access to members of government and departments, in particular as regards the countries which sit in the Kingdom Government. Ministers regularly visit the islands in their function, as a result of which the island administrators have direct contact with the ministers. However, the VNG can communicate messages from Statia to the ministers and the Second Chamber where appropriate within the relationships.

The VNG has various levels (administrative, management, policy level) contacts with the all Ministers and the departments. In addition, the VNG has two employees/lobbyists who maintain contacts with members of the Second and First Chamber.



5. Are WOLBES/FinBES evaluated to determine how the situation of Statia was able to develop? What was the role of these laws in the situation Statia is now in?

The WOLBES and FinBES form the basis for good governance, to serve the residents of Statia. The laws provide sufficient opportunities to supervise and monitor at different (local) levels.

The intervention did not take place because those laws were not in order. The reason for the Government to intervene is insufficient compliance to these laws. This put pressure on the frameworks for the administration and guarantees for the citizens of St. Eustatius. The Dutch Government found this undesirable and unjust.

The steps taken in response to the non-compliance with the set frameworks for governance and financing by the Island Government of that time took place on the basis of instruments offered by WolBES and FinBES. The escalation ladder within these laws has been pursued. The current situation gives insufficient reason to evaluate the WolBES/FinBES.

6. The Council of State (Raad van State) has recommended to scrutinize the added value of the Kingdom Representative in the governance of the BES. Meanwhile, the mandate of the Kingdom Representative is expanded, allowing participation in the Island and Executive councils. Why is the Kingdom Representative part of the BES governance and why is this person appointed by the Crown instead of elected?

As the Administrative Entity, the Kingdom Representative is part of the National Government and is an outpost of the Dutch government for the Public Entities. This is why the Kingdom Representative is appointed by Royal Decree on the recommendation of the Minister of the Interior and Kingdom Relations.

The Kingdom Representative does not belong to the governance of the Public Entities. The mandate of the Kingdom Representative has not changed in recent years. However, his role was limited on Statia, due to the fact that a Government Commissioner has been appointed.



Following the advice of the Council of State, the Government explores if some of the Kingdom Representative's supervisory tasks can be transferred to the Island Governor and if other tasks can be transferred to the Minister of the Interior and Kingdom Relations in the long term.

Throughout this exploration it is important to keep in mind that the Kingdom Representative has more than just supervisory duties. For example, the Kingdom Representative also has a coordinating role in disasters and crisis for all islands. This means that it is important to consider whether and how these various tasks could be assigned elsewhere. The way in which the advice of the Council of State could be implemented is therefore currently being explored. This also means that the position of Kingdom Representative will not be abolished any time soon.

7. Mr Todé mentioned self-governance. What is mr Thodé 's vision on self-governance? Please explain in the context of Statia's reality, taking into account the role of the Kingdom Representative.

To me, self-governance means the level in which an individual can influence or determine how that individual's wishes and interests are considered and cared for. This can be seen from the perspective of the individual within the scope of his or her individual life, expanded to the family or other social group that individual might 'belong' to, and through the 'regional' and 'national' representation all the way to 'global' scale. In short, this is my vision of self-governance. Self governance requires self awareness and capability to care for one self. For many aspects of our lives, we could never provide for ourselves without the help of others. This can be the case for instance for our 'energy' needs as an individual. On my own, I could never provide the 'at the flick of the switch' infrastructure for electricity, or the 'fuel' for my automobile. I need to seek collaboration with others and consider their interests also. This is why we construct 'behavior patterns' like 'trade', compensation with our money, for which we need to set a 'currency', and so on. For all of these, we gladly 'allow' others to determine certain conditions, like the specifications on Voltage of electricity and fuel quality. We do not claim total 'autonomy' there, but in the interest of getting the fuel that makes my automobile run and my washing machine to work well with the electricity provided, I am determined to regulate and 'govern' the way I buy things, and what can be sold to me. This process is the same with every aspect of our lives on these islands. We have the opportunity to choose from the different options we have, so we have some range for 'self-governance', but the range is



limited to what is physically or otherwise possible and also by the interests of others, which I have to consider.

In the context of Statia's reality, Self-Governance covers the range of decisions allowed within the arrangements of the Public Entity to be taken by the governance bodies of Statia. Self-Governance also covers the capability of citizens to institute foundations, associations and other 'private' entities to pursue common or collective interests, like for instance unions.

On the 'Public' side of society, public bodies like the Island Council, the Executive Council, the Island Governor, all have their own range of authority and scope of responsibility in which they can and should operate. This is the range in which the Statia people have the highest degree of 'self-governance', as the interests of other Kingdom entities and other International bodies are not directly involved in the decision making. These public bodies also operate in a larger body, which we call the Country (Land, Rijk), which is The Netherlands. Statia citizens vote for representation in the Second Chamber for their voices and interests to be considered in that collective body of self-governance within the Country. Statia citizens also vote for representation within the European Parliament, and as such can also claim representation within that 'larger than the Country' and even 'larger than the Kingdom of The Netherlands' body.

Within the particular 'Caribbean' part of the Country 'Nederland', we have three public entities, Sint-Eustatius, Saba and Bonaire. The 'central' Netherlands government, situated in The Hague, is responsible for the tasks and duties attributed to that 'domain' of government. For that, and for interests and needs that supersede the authorities of each of the Public Entities, there is a Kingdom Representative.

Think for instance if something happens in the waters close to Sint-Eustatius, but outside of the Territorial Waters. A combination of International law, Kingdom law and Netherlands law result in a limitation of authority of Public Entity bodies like the commissioners or the Island Governor up to the territorial waters. Beyond that, it is a Kingdom responsibility and the Kingdom Representative is the figure to come into action then.

As a result of such close and complex authority proximity, the figure Kingdom Representative should align his or her work very carefully and diligently with that of the public entity authorities like the Island Governor.



In certain cases the Public Entity authorities are not the ones responsible for a certain action or product. This is for instance the case with legislation like taxes of WOLBES. The formal scope of influence or determination is less. Even so, it is my opinion that in situations such as when legislation is to influence Statia interests these should always include the expression and articulation of Statia wishes. Not exclusively, as here we are dealing with responsibilities and duties of others also. Even though this is more complex, this does not mean there is absolutely no opportunity to exercise self-governance through influence and the wise application of the power of arguments to convince others to include one's wishes.

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