

# On The Road To Autonomy

“Where there is a will, there is a way”



White Paper  
Coalition Government St. Eustatius  
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## Executive Summary

The current White Paper examines the desire of the people of St. Eustatius to achieve an autonomous political status within the Kingdom of the Netherlands, in accordance with international law, and the importance of re-inscription on the United Nations (U.N.) list of Non Self Governing Territories (NSGTs) to give effect to the will of the people expressed in their 2005 and 2014 referendums.

The White Paper draws the attention to the fact that St. Eustatians have systematically formally expressed their preference over the years, but instead were given a status of partial integration (public entity of the Netherlands) when the former Netherlands Antilles was dismantled in 2010. The White Paper explains the governance model of autonomous country within the Dutch Kingdom, consistent with the expressed wishes of the people and in accordance with the guiding principles laid out in UN resolution 1541 (XV) of 1960. Also expounded upon are the factors necessary for internal full self- government that allows St. Eustatius to control its own internal affairs without outside interference, and to achieve genuine political, economic and social equality between St. Eustatius and the Kingdom partners.

The report further clarifies that the financing of the autonomous arrangement will take place within the normal budgetary process of St. Eustatius, consistent with an economic development plan, in combination with negotiable budgetary and other technical support and assistance to be provided by the Kingdom Government and relevant international agencies, as appropriate. Accordingly, the need for cooperation between St. Eustatius and the Kingdom partners based on mutually agreed terms is highlighted.

The report emphasizes the importance of self- determination within the Dutch and international context. In addition to this, the democratic deficits of the public entity status, and by extension,

similar deficits that exists within the Kingdom Charter are also examined. The White Paper concludes with an examination of the unusual circumstances surrounding the removal of the Netherlands Antilles from the UN List of NSGTs, short and medium terms actions towards St. Eustatius' re-inscription on the list of NSGTs, that includes a clear plan increasing regional awareness of the right of St. Eustatius to genuine self- determination.

## Introduction

***“The result of this referendum gave us a clear-cut indication that the majority of our people denounced the unilateral decision taken by the government some years ago. Our people detest in an overwhelming way the manner in which they were pushed into the status of Public Entity”. Former Commissioner of Constitutional Affairs, Reginald Zaandam, December, 2014 (see annex I)***

The local population of St. Eustatius defines Autonomy as the right of Statians to decide what happens in their “house”. Internationally, Autonomy is defined as the right or condition of Self-Government. Statia’s yearning for Self- Government manifested itself in 1971 forming part of the Territory of the Windward Islands; the Island’s Representatives fought for separation from St. Maarten and the division into three island territories, each with their own Representation in the Antillean Parliament. The right of self-determination of the people of St. Eustatius was undermined in 2010 when it was transformed into "Public Entity" in the sense of Article 134 of the Dutch Constitution despite the consistent democratic expression of the people to the contrary. With the encouragement of the Dutch Government, the then-Island Council ratified a motion to invoke the "Public Entity" status on the People of St. Eustatius. The present White Paper will argue the case for an autonomous country with the Netherlands in implementation of the plebiscites held on April 8, 2005 and December 17, 2014 and confirmed by subsequent Island Council motions. The present White Paper highlights some of the key democratic deficits of the "Public Entity" status which are not in accordance with full political rights required under Resolution 1541 (XV) of 1960. Democratic deficits that exist within the Kingdom Charter will be

also explored. Furthermore, the report clarifies the Netherlands' fallacious argument - that the territory had achieved sufficient autonomy - used during the adoption of U.N. Resolution 945 (1955) to justify the delisting of the former Netherlands Antilles from the U.N. list of non-self-governing territories. The White Paper proceeds to explain why re- inscription on the United Nations List of Non- Self- Governing Territories is needed.

## Autonomy

### **A. Historical development of the dissolution of the Netherlands Antilles**

On December 29, 1954 the Kingdom Charter was officially put into effect. This meant that the Kingdom of the Netherlands consisted of the Netherlands, Suriname and the Netherlands Antilles (Aruba, Bonaire, Curacao, St. Maarten, Saba and St. Eustatius). Each country would be autonomous in internal affairs under the new political constellation (see annex A2).

Due to increasing dissatisfaction within the Dutch Kingdom regarding the constitutional arrangement, a series of referenda were held in the early 1990's and between June 2000 and April 2005. On April 8, 2005, 76.6 % of eligible voters in St. Eustatius voted to become part of a restructured Netherlands Antilles (see annex A3). However, on October 10<sup>th</sup>, 2010, with the dissolution of the Netherlands Antilles, the Island Council of St. Eustatius was persuaded by the Netherlands Government to adopt a Motion to accept the status of Public Entity within the realm of the Netherlands even as this was not in accordance with the results of the April 2005 referendum. The Netherlands Government accepted the motion and proceeded with the change in political status for St. Eustatius.

### **B. The plebiscite of 2014 and beyond**

Under increasing pressure from various civil society organizations a petition drive was organized in 2013, during which more than 800 signatures were collected. Based on this, the Island Council of St. Eustatius was called on to organize a constitutional referendum before the five-year evaluation of the public entity status planned for 2015. On October 8, 2014, the Island Council

passed a motion instructing the Executive Council of the Public Entity to consult the people of St. Eustatius with a constitutional referendum on December 17, 2014 (see annex A4). For this purpose a referendum booklet (see annex A5) was prepared, whereby the options provided on the ballot were as followed:

- 1. I am in favor of Sint. Eustatius to stay a Public Entity
- 2. I am in favor of Sint Eustatius becoming an Independent Country
- 3. I am in favor of Sint Eustatius becoming an Autonomous Territory within the Dutch Kingdom
- 4. I am in favor of Sint Eustatius becoming an integrated part of the Netherlands.

Two-thirds (65, 53%) of voters expressed a desire for a more autonomous arrangement within the Dutch Kingdom, rejecting the public entity status (see annex A6). The voter turnout, estimated at 46 per cent, was below the threshold of 60 per cent required in the Island Council Referendum Ordinance owing to complications related to the voter registration process under the control of the Netherlands, which was confirmed by the yet to be released UN report on the referendum results. Accordingly, the Island Council concluded that the overwhelming support for an autonomous arrangement with the Netherlands expressed in the 2014 referendum represented the will of the people, and subsequently adopted a Motion on May 28<sup>th</sup>, 2015 to ratify the results of the 2014 plebiscite to pursue a more autonomous status within the Dutch Kingdom in accordance with the criteria set forth by the United Nations (see annex 7). The Government's commitment towards the constitutional process was subsequently reinforced during the adaptation of a Motion on November 30, 2016 (see annex A8).

Unlike the Netherlands' acceptance and expeditious implementation of the 2005 Island Council Motion to enact the public entity status, there has been no formal acceptance of the 2015 and 2016 Island Council motions which endorsed the autonomous arrangement selected by the people in their 2014 referendum despite numerous formal requests made by the Government of St. Eustatius to the Netherlands Government for negotiations to begin. Thus, the people are

currently being governed by a status which they have summarily rejected in a democratic process endorsed by their elected government.

### **C. Autonomous Country**

Many international experts have identified various models of political autonomy between large states and their former colonies. Among them, noted scholar, James Crawford stated in 2005 that “there is a wide range of choice, particularly in the case of autonomy, which can cover a spectrum of possibilities from virtual independence to virtual integration. The people concerned may be- and have a right – to be free.” He further states that such arrangements were the result of “negotiations with respect to an individualized arrangement mutually agreed by territory and administering power”.

The governance model of autonomy has been raised by the Netherlands in the context of a transformation to a commonwealth structure composed of Holland and the present respective autonomous countries of the Caribbean (Aruba, Curacao, and St. Maarten). This was raised as early as 1990 by Dutch Minister Hirsch Balin who presented a framework for a commonwealth constitution which called for the islands of the autonomous country of the Netherlands Antilles to be divided into two separate autonomous countries comprised of Curacao and its neighboring Bonaire as one autonomous country; and the Windward islands of St. Maarten, Saba and St. Eustatius as the second autonomous country (Duiff & Soons, 2011).

The actions of Balin reflected political discussions underway at the time towards the transfer of power to the overseas territories. Indeed the former Netherlands Antilles had already been described by Hillibrink (2008) as a constitutional association with the Netherlands.

Statia’s quest to become an autonomous country within the realm of the Kingdom is based on United Nation General Assembly (UNGA) Resolution 1541 which recognizes that overseas territories are free to choose for an autonomous arrangement with their former colonial power, or with any other independent state (see annex A9). It can be therefore argued that an

autonomous arrangement with the Netherlands, based on the guiding principles laid out in resolution 1541 (XV) of 1960, is feasible within the existing framework of the Netherlands Kingdom, and would be consistent with the expressed wishes of the people of St. Eustatius as expressed in the 2014 referendum.

#### **D. Autonomous country: elements of a draft constitution**

St. Eustatius desires an autonomous arrangement that complies with Resolution 1541 (XV, Principle VII) which recognizes that the autonomous arrangement should be one which respects the individuality and the cultural characteristics of the territory and its people. St. Eustatius therefore views the following elements of a Statian Constitution

- a) St. Eustatius as an autonomous country would remain part of the Kingdom of the Netherlands;
- b) The Kingdom would consist of five, rather than four, equal kingdom partners: Aruba, Curacao, St. Maarten, St. Eustatius and the Netherlands;
- c) The citizens of St. Eustatius would retain the Dutch Nationality consistent with the nationality of the other autonomous countries of the Kingdom;
- d) St. Eustatius would have its own Constitution detailing its government structure consistent with the constitutions of the other autonomous countries of the Kingdom;
- e) St. Eustatius would exercise legislative and executive power over its internal affairs. Accordingly, the Kingdom Government would have no authority to annul or enact legislative or administrative acts regarding internal matters of St. Eustatius. This does not preclude the provision of technical and other assistance which may be provided to St. Eustatius by mutual consent;
- f) The timetable for the devolution of powers from the Kingdom to St. Eustatius as an autonomous country within the realm of the Kingdom shall be determined by negotiation. At the request of the St. Eustatius Parliament (created by the constitution) one or several of the Kingdom partners may temporarily assume responsibility of identified competencies for a defined period while the capacity is developed for the competency to



- be administered by the Government of St. Eustatius, after which time the temporary competencies would be phased out over a transitional period mutually agreed upon;
- g) Any decisions regarding internal tasks, temporarily executed by one or several of the Kingdom Partners , would require the approval of the St. Eustatius Parliament;
  - h) St. Eustatius shall be represented by a Minister Plenipotentiary in the Kingdom Council of Ministers in a similar fashion to the ministers plenipotentiary of other autonomous countries in the Kingdom;
  - i) There would be the establishment of a joint mechanism for the resolution of disputes between the St. Eustatius Parliament and the Kingdom Council of Ministers, regarding Kingdom Matters affecting St. Eustatius to ensure mutual respect and cooperation as reflected in the Kingdom Charter;
  - j) The role of Governor, whose appointment would be confirmed by the Parliament of St. Eustatius, would serve as the representative of the Kingdom Government, and shall have no authority to unilaterally intervene in the internal affairs of St. Eustatius, including in the areas of supervision and legislation. This would not preclude the provision of advice and consultation, by mutual consent, between the Kingdom and St. Eustatius;
  - k) Since the Governor’s duties would be limited to serving as the representative of the Kingdom, the appointment would be made by the Kingdom, but subject to confirmation by the St. Eustatius Parliament – see preceding paragraph;
  - l) St. Eustatius would establish a budget of revenue and expenditure, according to its budgetary rules as approved by the St. Eustatius Parliament;
  - m) St. Eustatius would establish a financial supervisory mechanism to monitor compliance with its financial obligations and in accordance with its budgetary rules;
  - n) As an autonomous country St. Eustatius would have the authority to join, in its own right, relevant international organizations as a member, associate member, or observer, as appropriate, including but not limited to sub regional and regional groups such as the Organization of Eastern Caribbean States (OECS), The Caribbean Community (CARICOM), the Economic Commission for Latin America and the Caribbean (ECLAC), the Association of Caribbean States (ACS) and relevant economic and technical organizations of the

United Nations. St. Eustatius will maintain its current “Overseas Countries and Territories” Status with the European Union.

### **E. Critical Considerations**

- Assistance in capacity building may be requested from the relevant international organizations including regional, sub-regional and United Nations organizations to gain the necessary training to meet the demands of the new status. Similar assistance in capacity building may be requested from the Kingdom Government on the basis of mutually agreed terms;
- The timetable for the assumption of competencies would depend on a number of factors such as:
  - The level of resources available to support the assumption of competencies (internal affairs)
  - The prevailing economic situation. In this connection, a comprehensive economic development strategic plan would be developed in consultation with relevant private sector and civil society stakeholders
- It is anticipated that the conduct of the Government of St. Eustatius’ internal affairs will be financed through its budgetary process consistent with the comprehensive economic development strategic plan. It should include the identification and retention of current and future revenue generated by the economy of St. Eustatius. In this structure, all tax revenues generated locally would flow into the coffers of St. Eustatius. The official currency of St. Eustatius would be determined by St. Eustatius with the help of the appropriate experts;
- Consistent with Article 73 (b) of the U. N. Charter, the Netherlands would be requested to provide budgetary support to St. Eustatius for an agreed period until it completes the transition to the assumption of the full complement of competencies in internal affairs;
- A review of the applicable consensus laws would be undertaken by St. Eustatius, and one or more of these laws may remain in place, by mutual consent, for a defined transitional period on the basis of 1) a clear definition of areas in which said laws would apply, 2) the

exact nature of said laws and 3) a mutually agreed “sunset clause” bringing an end to the consensus laws;

- The activities of the Dutch Government Organization (RCN) would be gradually eliminated resulting in a cost savings to the Kingdom with such savings designated, by mutual agreement, for budgetary support to St. Eustatius as outlined above;
- As St. Eustatius transitions from the present status into an autonomous status, it is of paramount importance that a program of economic and technical assistance be negotiated in conjunction with the Netherlands, Kingdom Partners and relevant international Organizations.

## The Public Entity Status in the context of Self - Determination

### A. The evolution of Self Determination

At the creation of the League of Nations in 1920, the right to self-determination was of paramount importance. According to Corbin (July 2012) the international community tried to deal with the dilemma of their territories after World War I which had not achieved full self- government through the self-determination process.

Self- Determination as a principle was a term used in the Atlantic Charter (1941) in which President Roosevelt of the United States and Prime Minister Churchill of the United Kingdom declared that “Territorial adjustments must be in accord with the wishes of the people concerned”. The self-determination concept eventually became part of the UN Charter, the first legally binding document that recognized the right to self- determination (Harris 2004, p.112). Article 73 of the UN Charter created the obligation of countries which administer territories to develop self-government in those territories. The notion of ‘self-government’ at the formation of the U.N. was largely undefined, and other instruments were needed to give further elaboration (Corbin July 2012) such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which state:

*“All people have the right of self- determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development” (See Annex A10).*

These provisions are particularly important for St. Eustatius because article 1 (3) of the UN Charter grants people of non- self- governing territories the right to freely determine the political status. Administering territories such as the Netherlands are obliged to promote the right of self- determination in conformity with the UN Charter (Duiff & Soons, 2011).

According to various scholars, the right to self- determination is generally seen as a norm within International Law. Issues of self- determination are addressed in various review bodies of international human rights mechanisms including the Human Rights Committee, the Human Rights Council, the Committee on the Elimination of Racial Discrimination, the European Court of Human Rights et al.

### **B. Does the Netherlands acknowledge St. Eustatius’ right to self- determination?**

When the Kingdom Charter was created in 1954, no explicit mention was made of the right of self- determination for the islands of the former Netherlands Antilles, of which St. Eustatius was a part. However, the Netherlands, at the time assured the General Assembly that it would not prohibit the overseas territories from leaving the Kingdom constellation if they desired. The islands’ right to self- determination was formally recognized at the Round Table Conference in 1981, whereby the Netherlands recognized each island’s right to self- determination (De Jong 1989, p.76).

In spite of the Netherland’s acknowledgement of the islands’ right of self- determination, there has been ambivalence on the part of the Netherlands. During a constitutional information session held in Rotterdam on August 12, 2010, when a participant asked if St. Eustatius would have a chance, after the evaluation period, to choose another political status, Dutch Ministry of Home Affairs and Kingdom Relations and Kingdom BZK representative Alexander Dalenoord, alluded to the fact that even though then- State Secretary Ank Bijeveld- Schouten acknowledged

the island's right of self- determination, the only other option available to St. Eustatius would be independence (see annex A11). Minister Ronald Plasterk portrayed a similar ambivalence in response to questions asked about increasing talks about referenda' in Bonaire and St. Eustatius. He alluded to the fact that while the islands were free to choose a constitutional option of their choice, they would have to comply with options that the Netherlands deemed to be acceptable. To add insult to injury, "the Dutch Government has unilaterally started the process of embedding the public entity of St. Eustatius in the Dutch constitution. Such action, as was the establishment of St. Eustatius as a public entity on October 10<sup>th</sup>, 2010" (See Annex A12) is in direct violation of the people's right of self- determination.

It can therefore be concluded that while the Netherlands acknowledges the island's right of self- determination, the nature of an autonomous arrangement for St Eustatius would have to be carefully negotiated consistent with the international standards of full self- government.

### **C. Democratic Deficits of the Public Entity Status**

According to UN Resolution 1541 (XV) (1960), internal self- government can be achieved by:

- Emergence as a sovereign independent State;
- Free association (referred to as an autonomous territory within the Dutch Constitutional framework) with an independent State;
- Integration with an independent State

UN Resolutions 1514 (XV) and 1541 (XV) clearly established the standards for political equality for territories wanting to achieve self- government. St. Eustatius was transformed by the Kingdom into a Public Entity in the sense of Article 134 of the Dutch Constitution; however the Public Entity Status does not comply with the minimum standards of internal self- government in accordance with said UN Resolutions, due to the following:

- The Public Entity status did not come about as a result of the freely expressed wishes of the people of St. Eustatius

- There is lack of direct political representation within the Dutch Second Chamber, as a result of which the 25.000 inhabitants of the BES islands do not have any influence on the political make-up of the Dutch Second Chamber (Corbin 2012)
- Lower social and economic benefits have been implemented on the BES islands as opposed to any Dutch Municipality in Europe (see Annex A13). The inequality that exists between the inhabitants of the BES islands and citizens in the metropole was also confirmed in a report written by the ChristenUnie in September 2011, and is not in accordance with international law. Additional democratic deficits were further confirmed in the evaluation report of the “Spies Committee” (J.W.E. Spies ET. Al, 2015).

#### **D. Deficits that exists within the Kingdom Charter: past and present**

The Kingdom Charter was put into effect on December 15, 1954, whereby Queen Juliana characterized the Charter as a monument of power, that strength of mind, self- control and wisdom can produce in the midst of turbulent times (Klinkers & Oostindie, 2003). As a result of the Kingdom Charter, the Kingdom of the Netherlands currently consists of ‘four equal partners’, which in the words of the preamble would ‘take care’ of their own interests autonomously, manage communal affairs on equal footing, and accord each other assistance (Klinkers & Oostindie, 2003).

In spite of the information listed above, various scholars have made reference to the democratic deficits that exist within the Charter, when compared to Principle VII of Resolution 1541:

- Dutch Ministers retain the final word over Kingdom Matters, even though the Dutch Council of Ministers include Ministers Plenipotentiary from each of the autonomous Countries within the Kingdom
- The autonomous countries do not have the right to amend their own constitutions which are legally subordinate to the Kingdom Charter (See Annex A14)
- The Kingdom Government has the authority to intervene in the affairs of the autonomous countries

- The Kingdom Government also appoints the Governors in the autonomous countries who hold extensive powers to block their legislative and administrative acts (Oostindie and Klinkers, 2003)

The current autonomous arrangement that St. Maarten and Curacao ‘enjoy’ can be seen as an example of ‘minimum autonomy’ in light of the issues listed above but also in light of the fact that five (5) (Kingdom) Consensus Laws have been implemented as a means of guaranteeing ‘good governance’ within the Dutch Kingdom. This has led to a significant decrease in autonomy in these islands. One such Consensus Law relates to the financial supervision for Curacao and St. Maarten. There is a board of financial supervision for said islands that consists of 5 board members, who are appointed by the Kingdom Government, upon the recommendation of the Dutch Prime Minister. This example once again illustrates that the ‘autonomy’ that exists within the Dutch Kingdom today, is not in accordance with UN Resolution 1541 (XV, principle VII).

## St. Eustatius’ Re-inscription on UN List of NSGT

### **A. A brief factual background: Removal Netherlands Antilles & Suriname from UN list**

The Dutch colonial presence within the Dutch Caribbean (Aruba, Curacao, Bonaire, St. Maarten, Saba and St. Eustatius), Suriname and Indonesia dates back to the eighteen century, whereby the islands were used as trade centers for the Dutch Empire. Slavery within the Caribbean territories was abolished in 1863 – long after England (1834), France (1848), and Denmark had taken this step (Oostindie & Klinkers, 2003).

Indonesia became independent in 1949, against the backdrop of new emerging attitudes towards the decolonization of colonial territories among Western states. Dutch decolonization policies, which did not run smoothly, led to the creation of the Kingdom Charter in 1954, after Indonesia obtained its independence.

At its inception in 1945, the United Nations regarded the issue of decolonization as one of its important functions. Resolution 66 (I) of 14 December 1946 listed the original 72 Non- Self-Governing Territories including the former Netherlands Antilles and Suriname (which later became independent in 1975), and further refined the concept of self- government. As a result of said resolution, the Netherlands had promised to transmit information to the UN regarding the islands economic, social and educational conditions as listed in article 73 (e) of the Charter (see Annex A15). In regards to developments surrounding the Kingdom Charter, the Netherlands, on March 1955, ‘in pursuance of the terms of Resolution 747 (VIII)’, informed the Secretary General in writing of the constitutional developments leading to the promulgation of the Kingdom Charter on December 29, 1954, comprising of the Netherlands, Suriname and the Netherlands Antilles. The Netherlands enclosed a copy of the Charter together with an explanatory note. The Netherlands explained that its territories had attained a sufficient measure of self- government (even though the people were not directly consulted). This led to intense debates regarding the role of the Governor. Many countries (including Iraq and Guatemala) were not convinced that Suriname and the Netherlands Antilles had attained a full measure of self- government in accordance with Chapter XI of the Charter and in particular the factors laid out in Resolution 742 (VII) (see Annex A16) and other relevant UN Resolutions. Despite the contentious circumstances surrounding the above- mentioned developments, the vote to cease the transmission of information, in accordance with article 73 (e) was approved (with 21 votes in favor, 10 against and 33 abstentions), effectively removing Suriname and the Netherlands Antilles from the list of non- self-governing territories on December 15<sup>th</sup>, 1955 (Blackman, 2016). Official UN documents revealed that many countries did not consider that the Kingdom Charter had met the standards for decolonization adopted by the UN General Assembly two years earlier, and which would be laid down in Resolution 1541 a few years later (Hillebrink, 2012). The Netherlands used Resolution 945 as justification that the islands had been decolonized, however, said resolution “does not affirm that the former Netherlands Antilles had received a full measure of self- government under Article 73(b). It merely removed the requirement of the Netherlands to regularly submit information regarding its colonies to the UN under Article 73 (e). It preserved the UN authority to decide whether a Non- Self- Governing Territory (such as the Netherlands



Antilles, then and St. Eustatius now) has attained a full measure of self- government” (see Annex A10).

## **B. Re-inscription**

As was stated in previous chapters, the establishment of the Public Entity status was not in accordance with the relevant UN Resolutions. It was also argued that, based on the information provided above, the then Netherlands Antilles should not have been removed from the UN list of Non- Self- Governing Territories.

In light of the information provided in this document, the political representatives of St. Eustatius, with the support of the various Civil Society Organizations, believe there is sufficient rationale for the re-inscription of St. Eustatius on the list of NSGT's. Some of the proposed short- and medium term actions towards re-inscription, as were listed in the position paper entitled “THE RIGHT TO SELF- DETERMINATION OF BONAIRE AND SINT EUSTATIUS: ACHIEVING A FULL MEASURE OF SELF- GOVERNMENT BY 2020 (Blackman 2016) are included here:

- The dissemination to, exchange of additional information with Special Committee on Decolonization (C- 24)
- Formal hearing of delegations of the Netherlands, Bonaire and St. Eustatius (inter alia NGO's Nos Ke Boneiru Bek and possibly Brighter Path Foundation and Pro Statia on St. Eustatius) in consultative processes of the U.N. Economic and Social Council (ECOSOC), the Permanent Forum on Indigenous Issues (PFII), and other international organizations dealing with human rights- related issues
- Amendment of the Kingdom Charter (proposals to this effect are already available and have been circulating in Parliamentary circles in draft form)

A comprehensive plan of approach toward regional engagement and the move towards re-inscription along with increasing regional awareness of St. Eustatius' situation and incorporation of the above- mentioned action points, will be further worked out in consultation with advisors, in a separate document.

By seeking UN re-inscription, St. Eustatius' right of self- determination will be monitored by the international community, thereby requiring the Netherlands to sit at the constitutional table with St. Eustatius to discuss (the move towards) full internal self- government, as was expressed by the people in the 2005 and 2014 plebiscites, and in accordance with the relevant UN Resolutions.

## Concluding Comments: Challenges and Hopes

Does St. Eustatius have the right to choose its own status and end the current unilateral display of power and control by the Dutch Government? Does St. Eustatius have the right to demand a legitimate form of self- government that meets the standards set out by the various UN resolutions? It is to be hoped that the arguments presented in this White Paper have answered these questions and that a flame will be ignited in the heart of the reader towards the fight against human rights violations committed against small island states whose people have not yet attained a legitimate form of self- government, whereby the people of said island states, under the protection of the relevant UN Resolutions and international Conventions, may freely determine their own destiny.

The desire of our fellow dwellers within the Dutch Kingdom, regarding the achievement of a full measure of self- government based on political equality and respect, in the absence of external domination and control, is also acknowledged. In facing any great obstacle unity and solidarity MUST be supreme. The necessity of the people of the Dutch - administered Caribbean persisting until the very end of this process of self-governing is paramount because “where there is a will, there is a way”!

## Annexes

### A1: Statia Commissioner Zaandam: Referendum bittersweet

A2: Statuut voor het Koninkrijk, 27-05-2015

A3: Sint Eustatius, 8 April 2005

A4: Motion Island Council of the Public Entity Sint Eustatius, October 8, 2014

A5: Sint Eustatius Constitutional Referendum 2014 Information Booklet

A6: Sint Eustatius status Referendum 2014

A7: Motion Island Council of the Public Entity Sint Eustatius, May 28, 2015

A8: Motion Island Council of Public Entity Sint Eustatius, November 30, 2016

A9: 1541 (XV). Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter

A10: International Covenant on Civil and Political Rights (ICCPR) & International Covenant on Economic, Social and Cultural Rights (ICESCR)

A11: The Daily Herald, August 13<sup>th</sup>, 2010

A12: Formal petition against embedding of public entity Sint Eustatius in the Dutch Constitution

A13: The Daily Herald, June 22, 2016 pages 1, 8, 11

A14: The Kingdom of The Netherlands In The Caribbean. Constitutional In- Betweenity: Reforming The Kingdom Of The Netherlands In The Caribbean page 6

A15: Chapter XI: Declaration Regarding Non- Self- Governing Territories, Article 73

A16: Resolution 742 (VII). Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government

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