

Justitiële verkenningen

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Dutch Antilles and Aruba

Summaries

An answer to the Curaçao exodus?

G.J. Oostindie

This introductory essay provides a historical background to the contemporary crisis of Antillean society, particularly in the main island, Curaçao. This crisis has resulted in an exodus to the Netherlands of lower-class migrants hardly familiar with culture and particularly the language of the former colonial metropolis. It is argued that although the Dutch virtually created their Caribbean colonies from scratch, they failed to develop a coherent policy in terms of development, education and language. Neither did the subsequent autonomous Antillean governments. Now that over one-thirds of the Antillean population has taken refuge from crisis by moving to the Netherlands, both governments have an acute interest in investing in the social infrastructure of the islands, including the educational system. Bizarre as it may seem in the Caribbean context, this will have to include a rehabilitation of the Dutch language, which has become a crucial condition to social success in the increasingly transnational Antillean community.

Burgudu; post-colonial battle for dignity

J.F. van Hulst

Dutch resentment towards Germans still existing, many welfare workers get annoyed when Antilleans remind them of colonialism. Their reply to bury history neglects that colonialism only ended a decade after World War II. They also lack sociocultural knowledge about their subjects, which disables them to understand the significance of respect for (black) Antilleans and to react properly. These shortcomings hamper Antillean integration into Dutch society. That's why it is shown that Antillean society belongs to a sociocultural entity *sui generis* with disrespect for non-whites woven into the social fabric, and that, despite the 1969 uprising, Antillean social structure still is racial as a result of lasting 'colonial mechanisms'. So the Antillean insistence upon respect *vis-à-vis* the emerging tendency against immigration cannot be disqualified as irritating Antillean hypersensitivity. Quite the contrary. The Antillean quest for respect still having objective social roots confronts the empire with the very issue of respect itself.

About emigration and prosperity; the economic development of Curaçao and Aruba since 1986

E. Haan

During the last fifteen years the population of Aruba increased up to 90.000 persons. Meanwhile tens of thousands left Curaçao. Nowadays the number of people living on Curaçao equals the number of people with a Curaçao background living in Holland, about 120.000 persons. This article tries to explain why two comparable islands develop in such different ways. The author draws the conclusion that the bad economic situation on Curaçao is the result of the enduring defensive economic

policy by which a wall was built around the island in order to escape (international) competition. Aruba on the contrary has developed into one of the most prospering countries in the Caribbean region, as the result of a liberal economic policy directed to tourism.

Constitutional law in the Caribbean; from local playground to the adaptation to the international order

H.F. Munneke

The constitutional structures designed for the Dutch Caribbean in the 1950's are not suited to the requirements of the globalizing world of the 21st century. For a long time, these structures have been considered only as the demarcation of the playing field of local West Indian politicians. Today, these structures have to be evaluated in the light of their postcolonial context, prevailing sentiments of insularism and limitations dictated by small scale. The deficiencies of postcolonial structures that were once accepted as temporary inconveniences on the road towards Independence Day, form serious obstacles in a contemporary world. The notion of autonomy in the Caribbean becomes an issue if the Netherlands are pressed by the international community to stop non-compliance with international standards in the Dutch Caribbean. The notion of transatlantic partnership weakens as common interests at both sides of the ocean yield more and more to diverging interests. Insularism in the Dutch Caribbean stands for islands expecting more welfare from the outside world than from mutual co-operation and solidarity. As a consequence, whatever blueprint for a constitutional structure for a Dutch Caribbean archipel is designed, it can be no more than a fragile political compromise. At the same time, the right of self-determination facilitates Sint Maarten to abandon the Antillean constellation as Aruba did in 1986. Problems of small scale can easily lead to poor public services deterring foreign investors. The Dutch Caribbean islands will thus need Dutch assistance to improve transparency and efficiency of governance.

Punishment in the Dutch Antilles

J.M. Reijntjes

The criminal law of the Netherlands Antilles is more or less a copy of Dutch criminal law. Most judges on the Antilles originate from the Netherlands, and only temporarily reside there, for periods of three to five years; in December 2001, 20 of the 27 members of the Court of Justice fell within this category. Nevertheless, on average punishment in the Antilles is higher than in the Netherlands, especially for violent crimes and crimes against property. This is probably caused by the larger impact crimes have on a small and markedly plural society like the Antillean. Indeed research shows that anxiety caused by crime on the Antilles is relatively high. This anxiety feeds a desire for a more forceful retribution. As a consequence, Antillean parliament is demanding the creation of very high minimum punishments (in certain cases even a mandatory life imprisonment) for repeat offenders, which is totally contrary to the Dutch legal tradition that leaves the courts a maximum freedom in inflicting appropriate punishments. Obviously, the judges take the opinions of the community largely into account. This highlights the fact that the (of course personally coloured) perception of the judges of what the community wants is an important factor in deciding the level of punishment - far more important than their purely personal opinions or attitudes. This shows even more strongly when taking into account the often barbarous conditions under which Antillean prisoners serve their terms: one year in an Antillean prison is much harder to bear than a year in a Dutch

one.

'My dad is not an angel either'; young delinquents from Curaçao and their fathers and mothers

M. van San

The connection between growing up in a single parent family and delinquency is often made in scientific literature. That is also the case for literature concerning the Caribbean areas/territories. Not only is the absence of the father seen as an important cause of the delinquent behaviour of boys, but it also appears to be influencing the nature of the crimes they are committing. Based on interviews with Curaçao adolescents and their mothers who live in the Netherlands, this article verifies whether there are indications to be found for these presumptions. Sixty boys (half of them had a police-record, the others didn't) as well as their mothers were interviewed. The analysis reveals that the absence of the father does not really have an effect on the boys' behaviour. Surprisingly, the mother's attitude with regard to the delinquent behaviour of their sons, has turned out to be the decisive factor.

Loke falta; report of the National Advisory Commission Antillean Co-citizenship

J. Schrijs

December 4th 2001 the National Advisory Commission Antillean Co-citizenship presented its report *Loke falta* (Missing Link) to Minister Van Boxtel and Secretary of State Kalsbeek. The problems that the Antilleans have and the problems they cause in the Netherlands are huge. In its report the Commission proposes a 'program of vitalization' that is characterized by: a structural, programmatic and integrated approach; a strong Antillean organisational infrastructure; the participation and co-responsibility of the Antillean community; a common government policy that should become categorial again if it wants to deal with the Antillean problems. Practice has shown that these proposals work. But taking into account the way the government has dealt with these issues, there is little chance that the proposals will be effected. Or are recent developments a sign that government policy is changing?