Presentation by

Julio R, Romney, B.A., M.P.A., A.B.D
Sint Maarten Institute for Public Policy Studies (SIPPS)

"IS THERE A "DEMOCRATIC DEFICIT" IN THE KINGDOM OF THE NETHERLANDS:

The enduring problem of legitimacy with the decolonization of the Netherlands Antilles and the constituent state construction of Sint Maarten

First Ever Roundtable Panel Discussion on the Charter for the Kingdom of the Netherlands
The Committee for Constitutional Affairs and Decolonization

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INTRODUCTION

Is there a "democratic deficit" in the Kingdom of the Netherlands? There is a consensus answer to this question among the 3 Caribbean constituent states of the Kingdom of the Netherlands as they have "repeatedly expressed the opinion that there is a question of democratic deficit in the Kingdom of the Netherlands. My central contention, here, is that there is no democratic deficit in the Kingdom of the Netherlands per se, but the credibility of democratic legitimacy.

The term "democratic deficit" or democracy deficit is fundamental in contemporary political analysis and is defined as and arises "when seemingly democratic organizations or institutions (usual government) fail to fulfill what they are supposed to do for the principles of democracy. Examples are the presence of electoral thresholds, special majorities ..., the insufficient weighting of the vote of parliament in decisions ... and the lack of proportional representation in governing"[1] At the onset this seems to be the case within the Kingdom of the Netherlands as the governing body of the Kingdom of the Netherlands (the Parliament of the Kingdom) consists of the Council of Ministers of the Netherlands, 12 to 16 members, and one Minister of Plenipotentiary each for of the constituent parts, Aruba, Curacao, and Sint Maarten. Affording, Sint Maarten (including Aruba and Curacao) with little to no influence in the decision making of Kingdom matters.

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[1] https://www.wikipe.wiki/wiki/nl/Democratisch_deficit

Nonetheless, democratic legitimacy arises "whenever the set of those involved in making democratic decisions fail to coincide with the set of those affected by them".[2] This is quite prevalent in the Kingdom as the governing structure of the Kingdom is not responsive to legitimacy. i.e., the Caribbean constituent states of the Kingdom not having the opportunity to decide to what extent they would accept the governing institution that was introduced to them under post-colonial government and in what ways they are going to be able to give political expression to their unique nationalistic traditions.

This position paper proceeds in two parts. First, I elaborate on the empirical evidence of my democratic legitimacy contention and second, challenges to increasing the legitimacy of the Kingdom.

DEMOCRACY LEGITIMACY CONTENTION

My democratic legitimacy contention is simple and straightforward. It is based on the idea that deficit in the Kingdom of the Netherlands arises more from the lack of legitimacy than democratic deficit in the Kingdom of the Netherlands. In short, it results from the failure of "democratic" decisions of the Kingdom to coincide with the wishes of Sint Maarten rather than the lack of proportional representation seats in the Parliament of the Kingdom of the Netherlands.

Employing proportional representative formula to equally formulate the seats in the Parliament of the Kingdom is clearly problematic. Under the formula of ratio of representatives to population, with the Netherlands having a population of approximately 17.5 million versus Sint Maarten with approximately 63 thousand, could result in Sint Maarten being allotted a negative sum proportional representation. The math clearly does not support a claim to democracy deficit. The deficit lies in the deficiency of legitimacy of the kingdom government. This mechanism (constitutional framework) functions through the centralization of power in the Kingdom government to unilaterally develop national policies that could have a profound impact locally without the input of Sint Maarten as an equal state within the Kingdom.

Out of the desire to address this deficit, in 1997 Dr. Hirsh Balin, a member in the First Chamber of the Netherlands at that time, pleaded for instituting a Kingdom Parliament to have a more democratic control/ authority in the decision making on the Kingdom level as the Netherlands Second Chamber presently functions as the Kingdom Parliament. Any such Parliament of the Kingdom of the Netherlands would prove ineffective in averting or controlling the deficit because the likely seats in any such Parliament would be allotted based on proportional representation. Again, reflective of the population ratio, of the 4 constituent states, all seats are likely to be allotted to the Netherlands.

An alternative scenario that could foster some equality in any such Parliament, would be to allow for the seats in Parliament to share on a 40%, 20%, 20%, 20% basis to the Netherlands, Aruba, Curacao, Sint Maarten respectively with a two-thirds majority to pass legislation. Here, no one

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[2] Habermas, Jurgen, 2006: 78, Time of Transitions, Cambridge, UK; Malden, MA: Polity.

constituent state can dominate the legislation process and democracy legitimacy will be addressed.

Related to democratic legitimacy is national identity. In effect, there must be some degree of national consciousness that Sint Maarten must be able to realize in the Parliament of the Kingdom/ the Kingdom of the Netherlands. As long as the people of Sint Maarten feel pulled between two worlds with no sense of belonging, i.e., national consciousness, they will lack the firm sense of national identity necessary for democratic legitimacy. Sint Maarten's experience ranging from local language spoken to culture, to legitimacy deficit in the Kingdom of the Netherlands, suggests that it would be necessary to engage in constructing national identity as part of the democratic legitimacy process. The key parts will be:[3]

- **Civil Engagement** – throughout the Kingdom, the Netherlands in particular, foster links across identity groups through forums for civic engagement (for example civic networks, cooperatives, and professional associations).

- **Cultural** – build communication and understanding with all states through educational, and cultural programs.

- **Dialogue** – foster cooperation and social cohesion with all states – encouraging wider social change by confronting myths, perceptions, and stereotypes of the 'other' states.

- **Building Inclusive Institutions** – ensure that law and order, policing and justice approaches and tools are equitable and serve the interest of all citizens.

CHALLENGES IN INCREASING THE LEGITIMACY OF THE KINGDOM

Other overall challenges in increasing the legitimacy of the Kingdom are:

1. The Challenge of Local Government – Kingdom Government Relations

The need for capacity building is always vital in the challenge of government relations concerning legitimization. There is the need for:

- The establishment of avenues for cooperation and coordination of activities for optimum communication with the Kingdom government.

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[3] Hebert, S. (2003: 2-3). Promoting national identities. GSDR Helpdesk Research Report 978. Birmingham, UK: GSDRC, University of Birmingham.

- Develop policies to facilitate and carry out inter-governmental tasks consistently at various levels of governance down to the lowest administrative apparatus or from the Kingdom.

- Identify ways to enable effective participation with the Kingdom government and the other constituent states government on aspects of governance, particularly in the areas of Kingdom affairs.

- Develop, enhance and periodically reevaluate the political shared consensuses.

2. Institutional Politicization

Politicization, characterized as "the act of causing an activity to become political in character" at times tend to manifest themselves, undermining the positive impact of political debates and causing negative consequences for Kingdom legitimization. Thus every effort should be made to adopt and implement de-politicization measures, based on:[4]

- A formalized relationship between the elected politician, dealing with the general policy and the appointed official who enjoys a certain operational and managerial freedom, often within independent agencies in the broader parameters established by the ministries.

- The adoption of specific policies constrain political discretion in decision-making. In fact, in this way, policy implementation is reduced to a purely technical issue that does not require political negotiation.

- Discussing concerns that shape preference mechanisms by resorting to communicative, discursive, rhetorical, ideological strategies to justify a political position and make the aim of justifying a political position and making it acceptable.

CONCLUSION

In the end, what is crucial in ensuring democratic legitimacy in the Kingdom of the Netherlands is strong and capable leadership in all 4 constituent states of the Kingdom and collective political will that can be harnessed from the citizenry.

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[4] Fabio de Narbis (2017: 3) the concept of de-polarization and its consequences. University of Salento, SIBA

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2. Romney, Julio R. (2015). Ethnicity: Nation Building, Constituent State Construction and Development Administration in the Eastern Caribbean. The Case of Dutch St. Maarten. *Presented at the 18th ANNUAL EASTERN CARIBBEAN ISLAND CULTURES ("ISLANDS IN BETWEEN") CONFERENCE ON THE LANGUAGES, LITERATURES AND CULTURES OF THE EASTERN CARIBBEAN Co-organized by the University of Puerto Rico at Río Piedras, The University of the West Indies Cave Hill Campus, Barbados, and The UWI Open Campus St. Kitts and Nevis*