

The Island Council Elections in Curaçao, April 2007:

Electoral notes

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Abstract

On the 20 April 2007 Curaçao went to the polls to elect a new Island Council. The campaign of the political parties created the atmosphere of a referendum on the issue of constitutional reform in the context of the right to self-determination of the island. After the elections results were in, it became clear that the election had not brought clarity on the issue, and that society is still very divided.

Keywords

Curaçao, Netherlands Antilles, Elections, Constitutional reform, Referenda, Right to self-determination

Background

The elections held on 20 April 2007 were the fifteenth Island Council elections in Curaçao¹. These elections must be understood in the context of constitutional reform in the Netherlands Antilles, and assertion of the right to self-determination, and the elections for the parliament of the Netherlands Antilles held in January 2006.

The Netherlands Antilles consist of five islands (Curaçao, Bonaire, Saint Martin, Saint Eustatius and Saba). Curaçao is the biggest island of the five. The Netherlands, The Netherlands Antilles and Aruba together constitute the Kingdom of the Netherlands. In 1954 The Netherlands Antilles obtained internal self rule. In 1986, after years of struggle and a referendum held in 1977, Aruba obtained a 'status aparte' (autonomy) within the Kingdom of the Netherlands and so stepped out of the Netherlands Antilles. After that the Netherlands Antilles started a process of reform. In 1993 Curaçao held a referendum to determine the constitutional future of the island. The outcome of the referendum was to remain within the Kingdom and within the Netherlands Antilles, but to restructure the constitution of the Netherlands Antilles (74%). In 2005 a second referendum was held on Curaçao after it became clear that the restructuring of the Netherlands Antilles had failed. This time the majority of the people (68%) opted for a status similar to that of Aruba (an autonomous status within the Kingdom of the Netherlands). This led to a

¹ The first elections for the Island Council of Curaçao were held in 1951.

negotiation process between the five individual islands of the Netherlands Antilles, The Netherlands Antilles, The Netherlands and Aruba.

On 2 November 2006 in the Netherlands an agreement was signed by delegations from the Netherlands, the Netherlands Antilles and the islands Curaçao, Saint Martin². The agreement deals with cooperation of the parties in the area of Justice and Finance. The Netherlands agreed to take over a substantial part of the debts of the islands³ and for their part the islands would improve their public finances and agree to supervision on the part the Netherlands in Financial and Judicial matters. The delegations of Curaçao and Saint Martin were composed of representatives of all parties represented in the Island Councils of the islands.

After the return of the delegation of Curaçao from the Netherlands, one of the biggest parties, PAR (who won the parliamentary elections in January 2006), and to a lesser extent the PNP, claimed responsibility for the results of the negotiations. This broke the agreement between the political parties not to let party politics intervene with the process of constitutional reform and to present a united front against the Netherlands. After that the other political parties had second thoughts on the agreement and opposition emerged from some parts of civil society on the issue of supervision by

² Slotverklaring van het bestuurlijk overleg over de toekomstige positie van Sint Maarten en Curaçao, 2 November 2006, Den Haag.

³ According to the President of the Central Bank this debt is close to Naf 5 billion. This is approximately \$2.8 billion (Tromp, 2005).

the Netherlands, which was presented as giving away some of the autonomy of the island. This led to the rejection of the agreement by the Island Council at the end of November 2006 by a majority of 13 of the 21 members.

The reaction of a significant part of the community was one of disbelief. Immediately groups started to demand a referendum on the agreement. A group of students collected several thousand signatures supporting a petition to the Island Council to hold a referendum on the issue at hand. This petition was not considered. This set the stage for the elections of 20 April 2007. But the campaign would start after the Holidays of 2006 and carnival in mid February 2007.

Electoral system

Curaçao is governed by an Island Council of 21 members elected every four years. The Islands Council elects an Executive Board from its own members. The Lieutenant Governor presides over both the Island Council and Executive Board, and is appointed by the queen for a period of six years. The Lieutenant Governor has no vote in the Island Council, only in the Executive Board. The members of the Island Council are directly elected by the voters. The electoral system is an 'open list' system. Voters choose a candidate on a list presented by a political party. Political parties who already have representation can participate in the election. Other

parties must participate in the pre-election two months before the election. In the pre-elections the party must obtain at least 1% of the sum of the votes that were cast in the previous elections of the Island Council. The tradition is that voters vote primarily on the basis of the political leaders.

The total number of votes submitted, divided by 21, provides a coefficient. Parties must obtain at least this coefficient in the elections to be eligible for a seat. The number of votes obtained by the parties divided the coefficient indicates the number of seats received by the political party. The remaining seats are assigned to the party with the highest average.

The total number of votes obtained by a political party divided by the number of seats allocated to that political party provides another coefficient. The seats obtained by a political party are allocated to the candidates on the list who obtained a number of votes equal to or larger than the coefficient. If a candidate obtains a number of votes larger than 50% of the coefficient, the seat is also allocated directly to the candidate, whatever his or her position on the list. The remaining seats are allocated to the candidate in the sequence in which they appear on the list.⁴

Electoral contest

On 26 February 2007 16 parties registered to participate in the election. 9 of the parties had to participate in the pre-election held on 10 and 11 March 2007. 4 parties (PS, UPN, DP, MSL) qualified for the election,

⁴ Kiesreglement Eilandsraad Curaçao

meaning that 11 parties would participate in the election. The convincing way PS and DP qualified raised expectations that these parties would obtain representation in the Island Council and created some momentum for these two parties. It would be the first election for the Island Council for the PS after their first parliamentary elections in January 2006 in which they fell just short of obtaining one of the 14 seats of Curaçao in the 22 seat parliament of the Netherlands Antilles. The DP, one of the oldest parties on the island, has held no seat in the Island Council for the past twelve years.

On 20 April 2007 voters in Curaçao went to select their representatives in the Island Council. Altogether, 11 parties contested in the election, with 278 candidates competing for 21 seats. A total of 106 polling stations were established for the elections, with 112,541 eligible voters. The elections were organized by the Election Bureau of Curaçao.

For this election the electronic system, which had been used in three previous elections and the referendum of 2005, was changed at the last moment by the Election Bureau for a system that provided a print out of each vote submitted. The law regulating elections was changed for this purpose by the Island Council. The law stated that the official result was determined by the counting of the print outs and not by the machines. This change was necessary because the FOL party, as part of the Island

Executive Board, was uncomfortable with the 'old' machines and had expressed allegations in the past that the machines were being manipulated and that in the past the elections were stolen from the FOL.

Electoral campaigning and the main issues

The election campaign started in the middle of the carnival festivities at the end of January 2007, when the leader of the PAR announced at a party fundraising gathering that her party would resubmit the agreement with the Netherlands on constitutional reform to the newly elected Island Council, and that a vote for her party was a vote in favour of the agreement with the Netherlands. Initially the MAN party stated that the election was not a referendum, but that it is about election programmes and issues. But soon the political spectrum was divided into parties which favoured the agreement (PAR, PNP), and parties against (MAN, PLKP, FOL, MSL, PS, NPA, Forsa), with the DP taking no stand on this issue of the agreement with the Netherlands.

This made the election a pseudo-referendum on the issue of the agreement on constitutional reform with the Netherlands. This is a possible explanation why only five parties actually published an election manifesto. Of those five several were of poor quality. This lack of programmes was remarkable, because in the previous two elections the quality of the programmes had improved (Goede, 2003, 2006a).

The Netherlands indirectly intervened in the elections, when the executive responsible for the process of constitutional reform (junior minister Bijleveld-Schouten) announced that she would not renegotiate the agreement but wait for the result of the elections. This was an indirect message to the voters of Curaçao that the Netherlands supported the parties that favoured the agreement. This became particularly clear when she visited the island on 21 March 2007, a month before the election.

From the propaganda material displayed by the parties it was apparent that the main parties had large campaign budgets. This was a surprise given the fragile shape the economy of the island was in. As usual there was a lot of speculation on the size of the budgets and on the source of the funds, as there is no law regulating the funding of political campaigns. One of the rumours that circulated during the campaign was that President Chavez of Venezuela was sponsoring some political parties on the left wing. Other rumours involved American businessmen and the Dutch government. Newspapers advertisements and radio and television spots were intensely used and most of them were of very high quality. Some of the parties used huge bill boards. Many parties made use of a large number of flags hanging from street lampposts. Also it should be mentioned that all the talk shows were dedicated to the election. The group opposed to the agreement owned a small number of these radio talk shows and effectively brought their message across (Goede, 2006b).

New to campaigning on the island was the entry of anonymous, organized, non-political groups and individuals with big budgets, who broadcast their messages via radio, television and posters in support of the agreement. This triggered reactions from other groups who opposed it.

The campaign was building up and became intense in the last two weeks before the election, as in Curaçao the law permits campaigning even on the day of the election. This is not permitted in some other countries, where a few days of reflection are maintained before the day of the election.

The main strategy of the parties that supported the agreement was to state that there was no alternative to the agreement with the Netherlands. The parties against it took up the challenge and presented an alternative prepared by a commission on Monday 2 April 2007 in a big media event. The essence of the alternative was in the first place that its scope was limited to financial matters. The proposition was that Curaçao herself would take care of the national debt, mainly by privatization of the State Owned Companies, and that the institutions involved in supervising the future public finances would not involve Dutch officials. In this way the autonomy of Curaçao would be safeguarded⁵. This report was anticipated

⁵ Adviesrapport Commissie Financiële Perspectieven: Kòrsou Autonom en Verantwoordelijk, April 2007

by the supporters of the agreement and was effectively dismissed by contrary reactions in the media.

Another issue in the campaign was the introduction of the new voting machines at such a short notice. This led to constant discussions, creating uncertainty. The Prime Minister had to intervene, one month before the elections, asking the president of the Election Bureau of Curaçao for a guarantee that there would be no problems with the new machines. If such an assurance could not be given, the elections would be postponed by the Central Government. This assurance was given and the elections could take place as planned.

On 24 March 2007 the Council of Churches of the island signed a code of conduct with all political parties that the campaign would be fair. For the first time in many years the document was signed by all political parties. In recent campaigns the FOL had not signed because, according to them, it was of no use because it would not prevent other parties from using unfair tactics.

During the campaign three televised debates were organized. The first one was organized by students in the last week of March 2007, between experts who were in favour of or opposed to the agreement with the Netherlands. At the last moment only one of the four experts against the

agreement was willing to debate. This weakened the opposition but they overcame this with the presentation of the alternative agreement with the Netherlands on the 2 April 2007.

The other two debates were organized by the national television station. All the political parties participated in both of them. After being absent from several campaigns the political leader of the FOL participated in the debates. The first was held on 10 April 2007 and focused on the issue of the agreement with the Netherlands. The second debate on 17 April 2007 dealt with the election programmes of the political parties. It was not made clear that many of the political parties had no election program. It was little wonder that the debate went back to the issue of the agreement with the Netherlands and did not address the election programmes.

These elections brought to the surface the cleavages in the society of Curaçao. The society was not only divided on the issue of the agreement with the Netherlands, but also along the line of social and economic classes, and even ethnicity appears to be a factor. The cleavages were noticeable in families, organizations and within political parties. A clear illustration of this is the fact that the founding father and past Prime Minister of the Netherlands Antilles on behalf of the MAN was in favour of the agreement with the Netherlands, a standpoint opposed to that of the MAN. This led to confrontations and a lot of verbal aggression. For the

first time in the political history of the island, billboards and other campaign material were systematically destroyed by opponents.

Election Day

On 20 April 2007 the polls opened at eight o'clock in the morning and were scheduled to close at seven o'clock in the evening. At the beginning several polling stations had problems dealing with the new machines. This news was broadcast by radio and television stations, raising concerns among voters. These issues were resolved very quickly but it increased the stress in the community. Because the machines were new, many voters needed assistance, slowing down the process and creating lines at the polls. This is very unusual for elections on the island. Notwithstanding this, at midday the Election Bureau reported a turnout higher than in previous elections.

Election days are part of the folklore of the islands, voters exhibiting their party colours and greeting each other when they meet in traffic. Prominent politicians cast their vote, accompanied by their immediate family, big groups of fans and music groups. These incidents are broadcast live by most of the radio stations and the television stations of the islands. These were the third elections where it was permitted to sell and consume

alcohol beverages and everything went perfectly smooth. This was also verified by an international observer that was present on the island.

Because of the new machines and the manual counting of the votes the results were expected to be in late, as was the case before electronic voting was introduced on the island. Because of the queues at the polls, they could not close at seven o'clock but, according to the law, had to wait until the last voter in the queue had voted. This was another factor that created the expectation that the results would be known in the early hours of the morning of the next day. But to everyone's pleasant surprise the results of the different polls started to come in early and around ten o'clock the results were known.

The political leaders traditionally visit the studio of the national television to accept the result and give their first indications on the possible coalitions. Given the results, even the winners were very cautious when claiming victory. According to observers there was a clear opening made by a representative of the FOL to the political leader of the PAR.

The election result

112,541 voters were eligible to vote. 74,444 voters voted. The turnout for this election was 66.57%. This is relatively high compared to the 63.79%

of the elections of January 2006. For a sound interpretation of the election result they must not only be compared to the Island Council election results of 2003 but also to the results of the elections for parliament held in January 2006.

Table: 1

Changes in representation, 2003 -2007

		Votes	Votes	Seats 03	Votes	Votes	Votes	Votes	Seats 07
		May 03	May 03 (%)		Jan 06	Jan 06 (%)	April 07	April 07 (%)	
1	PLKP	8785	13.1	3	4293	6.1	1227	1.6	0
2	FOL	22745	33.9	8	9582	13.6	7648	10.3	2
3	DP	2519	3.8	0	2638	3.7	3813	5.1	1
4	MSL			-		-	1032	1.4	0
5	UPN	2168	3.2	-		-	1651	2.2	0
6	PAR	13710	20.4	5	18187	25.8	20862	28	7
7	PS			-	3357	4.8	5494	7.4	1
8	NPA	3819	5.7	1	3851	5.5	6304	8.5	2
9	PNP	7153	10.7	2	7768	11	7558	10.2	2
10	Forsa			-	6658	9.4	4932	6.6	1
11	MAN	6274	9.3	2	13123	18.6	13923	18.8	5
	Ban Vota				484	0.7			
	MODPOR				242	0.3			
	PAPPS				185	0.3			
	E Mayoria				41	0.1			

Source: <http://www.registrosivil.an/eiland2007/index.html>

PLKP, Partido Laboral Krusada Popular; FOL, Frente Obrero Liberashon 30 di mei; DP, Democratisch Partij; MSL, Movementu Social Laboral; UPN, Un Pueblo Nobo; PAR, Partido Antiyas Restruktura; PS, Pueblo Soberano; NPA, Nuin Paso Atrás; PNP, Partido Nashonal di Pueblo; Forsa, Forsa Korsou

The PAR became the biggest party with 28% of the votes, obtaining 7 seats in the Island Council. This was an increase of 7.6% compared to the previous election for the Island Council held in 2003, but only a slight increase (2.2%) compared with the election for parliament in 2006. The

MAN obtained 5 seats by increasing their vote by 9.5% compared to 2003 and 0.2% compared to the election of 2006. The FOL was one of the big losers, obtaining only 2 seats, compared to the 8 they had in 2003. They dropped 23.6% compared to the elections of 2003 and 3.3% compared to 2006. The NPA doubled their seats, from 1 to 2, by growing 2.8% compared to 2003 and 3% compared to 2006. The PNP stabilized at 2 seats on a slightly declining vote, down 0.5% compared to 2003 and 0.8% compared to 2006. The DP obtained 10.3% of the votes, for 1 seat. They grew 1.4% compared to 2003. PS obtained 7.4% of the votes and 1 seat, just short of a second seat. Forsa obtained 6.6% of the votes and consequently secured 1 seat, but lost 0.2% of their votes compared to the elections of 2006. PLKP obtained 1.6% of the votes and lost their 3 seats after the MSL split. The MSL also did not secure any representation. The split up was a lose-lose situation. And UPN did not succeed in the attempt to force a come back, obtaining only 2.2% of the votes.

A second look at the election campaign and the election results

The result of the election may already have been determined by February 2007 or even before. No party gained or lost more than 5% after February.

Table: 2

The strength of the parties during the campaign (Feb and March 2007) compared to the result of the election of 20 April 2007

	Feb%	March%	20 Apr%
PLKP	4.4	1.6	1.6
FOL	14.2	13.7	10.3
DP	2.3	4	5.1
MSL	1	1.6	1.4
UPN	1	2	2.2
PAR	31.9	27.8	28
PS	0 ⁶	6.3	7.4
NPA	11.4	6.7	8.5
PNP	8.3	10.5	10.2
Forsa	10.1	9.4	6.6
MAN	15.5	16.5	18.8
	100	100	100
N	450	336	
Margin of error	4.7	5.4	

Source: Surveys by the Social Economic Department of the University of the Netherlands Antilles

This trend of the outcome was indicated by the numerous polls during the campaign in the media. This might indicate that the costly campaign was necessary for parties to hold their positions.

⁶ In February 2007 it was not clear whether PS would participate in the elections and it was therefore not included as an option in the first survey.

The PAR did not succeed in their objective of obtaining a majority of 11 or more seats to approve the agreement with the Netherlands. Even combined with their ally, PNP, they obtained only 9 seats. One can even debate whether the growth of the PAR can be attributed to the issue of the agreement with the Netherlands or to the new leader who for the second time took the PAR into an election.

The MAN became the leader of the alliance against the agreement, and also claimed victory, stating that 10 seats were against the agreement. But the fact is that the MAN did not grow compared to the elections of 2006.

The DP with their new young political leader did not take a stand on the issue of the agreement and obtained 1 precious seat. Interpreting the election result as the outcome of a referendum is an impossible task.

It is clear that officially the elections were not a referendum. After the election the parties opposed to the agreement with the Netherlands insisted that the elections were a referendum and that PAR lost and should draw the relevant conclusions. An exit poll, however, indicated that only 22.7% of the voters considered their vote to be part of a referendum.

Table: 3

Exit poll 20 April 2007. What was your reason for voting for your party?

What was your reason for voting for your party?	
I agree with their point of view on the agreement	22.7
Because of the election programme	14.5
Because of the trust in the party	21.8
Because of the trust in the political leader	22.7
Because it is a tradition	7.4
I have a relative or friend on the list	9.1
Because I want the State Owned Companies to be audited	1.8
	100%
N	227
Margin of error	6

Source: Survey by the Social Economic Department of the University of the Netherlands Antilles

In February and March 2007 a sample of voters was asked their opinion on the agreement with the Netherlands. About one third stated that they would vote in favour of the agreement, one third would vote against the agreement, and the others voters considered the issue irrelevant for the election or had no opinion.

Table: 4

What is your point of view on the agreement with the Netherlands?

What is your point of view on the agreement with the Netherlands?	Feb-07	Mar-07
Pro	30.1	32.8
Contra	25.3	28.7
Not relevant	17.1	12.7
No opinion	27.3	25.7
	100%	100%
N	450	336
Margin of error	4.7	5.4

Source: Surveys by the Social Economic Department of the University of the Netherlands Antilles

The consequences

The result of the election made a coalition between parties forming part of opposing blocks necessary. There were three theoretical options: a coalition between the big parties of the opposing blocks (the PAR and the MAN), a coalition of the PAR and PNP with one or more parties from the opposing block, or a coalition of the block against the agreement with the Netherlands.

The PAR and the MAN assumed the initiative simultaneously to form an Executive Board before the 1 July 2007, as prescribed by law. The PAR aimed for a coalition with one party from the opposing block to form a majority supporting the agreement with the Netherlands. The MAN was

hoping to commit the group of 10 seats and lay a foundation for a coalition against the agreement with the Netherlands.

Very soon the PAR reached an agreement with the PNP and the FOL, forming an Executive Board supported by a minimum majority of 11 seats in the Island Council. This was a big surprise to many, because for many years the PAR ruled out the FOL as a coalition partner, because the political leader and other officials of the FOL had been convicted for corruption. The political leader of the FOL regained his freedom just at the beginning of the election campaign on 8 February 2007. Other issues were that the FOL campaigned against the agreement with the Netherlands, and that the FOL has been rejected by the voters, losing more than 23% of their vote compared to the Island Council Elections of 2003. The cooperation between the two parties was explained by their political leaders in terms of the long relationship between the two families of the leaders and that this provided a basis of trust to work together. This led to disappointment in the other camp. On 14 May 2007 a small fire bomb exploded in the party building of the FOL. Any link with the position of the FOL was denied by the FOL. On 15 May 2007 an alliance partner abandoned the FOL because it could not support an Executive Board that supported the agreement with the Netherlands. On the 22 May 2007 the parties PAR, PNP and FOL signed an agreement to form the new Executive Board. At the entrance of the building of the Island Council,

where the press conference was held, there was an unfriendly encounter between members of the FOL and the PS. Soon after this incident the website of the FOL was hacked and a fake letter from its political leader was posted, in which he apologized to the voters for betraying them. On the 23 May 2007 a prominent politician of the PS was assaulted at his home, leaving him unconscious.

As a consequence of this, the start date for any constitutional reforms has been postponed from July 2007 to December 2008, by which time it is hoped that the results of the continued negotiations with the Netherlands will have been approved in a referendum of the people. The route map to December 2008 is that the Island Council will approve the agreement with the Netherlands and that the issues in the agreement that are of concern will be renegotiated with the Netherlands at an upcoming Roundtable Conference. Then a referendum will be held.

The big issue for the politicians of Curaçao now is who will be the first Prime Minister of Curaçao after the first elections of the parliament of Curaçao after 2008.

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Vitae

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