

Electoral Notes on the Referendum in Curaçao held on 15 May 2009

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Abstract

On the 15 May 2009 Curaçao went to the polls to vote in a third referendum on the constitutional future of the island. An intense campaign was held by the parties involved. The result was 52% 'Yes' and 48% 'No', this has led to much debate about what should happen next.

Keywords

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

Background

The Netherlands Antilles consist of five islands (Curaçao, Bonaire, St. Maarten, St. 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 had to start a process of reform.

The referendum which is the focus of the present study was held on 15 May 2009. This was the third referendum, following earlier ones held in 1993 and 2005. This referendum must be understood in the context of the constitutional reform of the Netherlands Antilles, and the assertion of the right to self-determination as defined by the United Nations. Other important aspects of the context are the elections for the parliament of the Netherlands Antilles held in January 2006 and the Island Council elections held in April 2007.

In 1993 Curaçao held a first 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% of the electorate supported that position.

After it became clear that the restructuring of the Netherlands Antilles had failed, a second referendum was held on Curaçao in 2005. This time the majority of the people (68%) opted for a status comparable to that of Aruba (autonomous status within the

Kingdom of the Netherlands). This led to a negotiation process between the five individual islands of the Netherlands Antilles, The Netherlands Antilles collectively, 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 and St. Maarten¹. The agreement deals 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 islands² 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 St. Maarten were composed of representatives of all parties represented in the Island Councils of the islands, except for Mr. Nelson Pierre of NPA and Mr. R. Douglas.

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 credit for the outcome of the negotiations. This broke the agreement between the political parties, that party interests should not intervene in the process of constitutional reform, and that the parties should present a united front to the Netherlands. After that the other political parties had second thoughts about the agreement and opposition emerged from some parts of civil society on the issue of supervision by 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. This version of events is rejected by the opposition, who state that they had their doubts from the start about the agreement with the Netherlands.³

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 start of the campaign was delayed until after the Holidays of 2006 and carnival in mid February 2007. The election became a pseudo referendum. After a hard fought campaign a coalition of eleven seats was formed by PAR, PNP and FOL. It was a great surprise that FOL joined the coalition, because during the campaign the FOL was against the deal with the Netherlands. The stage was set for a furious fight between the coalition and the block of ten opposition seats, formed by

¹ Slotverklaring van het bestuurlijk overleg over de toekomstige positie van St. Maarten en Curaçao, 2 November 2006, Den Haag.

² According to the President of the Central Bank this debt is close to Naf 5 billion. This is approximately \$2.8 billion (Tromp, 2005).

³ The opposition gives the following explanation: After the political parties of opposition have revised the agreement with their respective lawyers and other party members it became clear for them that this agreement does not reflect what the people of Curaçao have voted for in the referendum of 2005.

MAN, FK, NPA, PS and DP.

Methodology

Electoral notes are a genre in political science studies. The objective is to describe and to document elections, the campaign and the consequences of the outcome. This information is input for further political analysis. The method combines qualitative and quantitative data, but uses mainly qualitative. As part of this research the media was screened and a logbook was kept before, during and after the campaign and the voting. This data is analyzed and discussed.

Electoral system

Curaçao is governed by an Island Council of 21 members elected every four years. The Island Council elects an Executive Council 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, but does have a vote on the Executive Board. The members of the Island Council are directly elected by the electorate. 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-election 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 attitude of 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 a political party divided the coefficient indicates the number of seats that party will have. 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

The Netherlands Antilles is an autonomous part of the Kingdom of the Netherlands. It consists of the islands: Saba, St. Eustatius, St. Maarten, Bonaire, and Curaçao. This status was obtained in December 1954. The Antilles are governed by a parliamentary system. The parliament is elected once every four year in free elections by universal suffrage of

⁴ Kiesreglement Eilandsraad Curaçao

all citizens over the age of 18. Curacao holds 14 seats, St. Maarten 3, Bonaire 3, St. Eustatius 1 and Saba 1. The Board of Minister is supported by a majority coalition in parliament.

The referendum of 15 May 2009 should be understood as continuation of the referendum on constitutional reform of April 2005, elections of the Parliament of the Netherlands Antilles in January 2006 and the Island Council elections of April 2007.

Electoral contest

On the 14 December 2008 there was a musical concert on Brion Square to celebrate the Day of the Kingdom for the first time. In her speech the Prime Minister of the Netherlands Antilles and PAR leader Mrs. Emily de Jongh Elhage constantly emphasized the Kingdom, putting the concept of autonomous status in second place. This irritated the opposition. The concert started late because of protests by followers of the opposition parties who were against the deal with the Netherlands. During the morning the lawyers held a protest, which, according to the mainstream media, was a failure. There was a low turn out. The lawyers were protesting against the so called *aanwijzingsbevoegdheid*⁵ of the Dutch Minister of Justice in the affairs of Curaçao and St. Maarten. Tension had been building for some months before these events.

On 15 December 2008 a Round Table Conference was held in Curaçao. The police tactics were not effective, leading to a confrontation with the demonstrators against the agreement with the Netherlands. A number of people were arrested, among others the political leader of the PS and a member of parliament of the MAN. Soon after these arrests someone phoned in a claim that there was a bomb in the building where the conference was being held. The meeting was moved to the heavily secured navel base of the Dutch navy on the island. Later that day the meeting was concluded successfully. It was reported in the news that the building of the PAR party had been fired at the night before the meeting.

On Wednesday 17 December 2008 a survey by “Sentro di Doktor” was published, stating that more than half of the population claimed that they lacked information on the matter of constitutional reform and that 40% would vote for the deal with the Netherlands and 30% would vote against (Amigoe, 2008a). Security around Prime Minister Emily de Jongh Elhage was increased.

On Friday 19 December 2008 the Council of Churches made public that they had abandoned attempts to mediate between the coalition and opposition parties, because the opposition parties were not cooperating (Amigoe, 2008b).

On Monday 29 December 2008 a group of six citizens of Curaçao, decorated by the

⁵ The authority of the Dutch Minister of Justice to give direct instruction to the Attorney General of Curaçao and St. Maarten.

Queen, supported by members of the Alliance (the opposition parties), and therefore opposed to the deal with the Netherlands, visited the Governor of the Netherlands Antilles to return their honors because they were displeased with the process of the constitutional reform (Amigoe, 2008c).

On 2 January 2009 discussion on the make up of the Referendum Commission started and the Prime Minister of the Netherlands Antilles announced that she would resign if the constitutional reforms were rejected by the people (Amigoe, 2009d). On 15 January 2009 the Referendum Committee was appointed. Immediately, criticism of the chairman started and the opposition demanded his resignation (Amigoe, 2009e).

On 20 January 2009 the Prime Minister took Mr. Wiels to court demanding that he withdraw his allegation that she had said, on 15 December 2008, that the deal with the Netherlands would go ahead even if blood had to flow (Amigoe, 2009f). On 2 February 2009 the court ruled that Mr. Wiels had gone too far in his statements (Amigoe, 2009g).

On 22 January 2009 all the political parties came together for the first time after the signing of the deal with the Netherlands (Slotverklaring) at the end of 2006, in an informal meeting to talk about the referendum. Some participants described the meeting as 'a good start', but there were no concrete results (Amigoe, 2009h). The demands for the resignation of the referendum chair kept getting louder (Amigoe, 2009i). On 27 January 2008 the Island Council held a meeting on the Referendum Committee.

On the 28 January 2009 two Harvard students published, after three weeks of study, their findings, predicting that the referendum would produce a 'Yes' result. The question is, where did these students come from? Their publication was sponsored by the law firm Van Eps, Kunneman & Van Doorne (Antilliaans Dagblad, 2009a; Gardner and Prassl, 2009).

On 27 January 2009 the chairman of the Referendum Commission resigned, due to the pressure, mainly from the opposition parties (Amigoe, 2009j). At the end of January 2009 the newspapers announced that Dr. Douwe Boersema was elected as chairman, from amongst the remaining members of the Referendum Committee.

On 5 February 2009 the Budget Supervisory Committee (Commissie Financieel Toezicht or CFT) rejected the budget of the Island Government of Curaçao (Amigoe 2009k). This fuelled the argument that parliament no longer had the last word on budgetary matters.

In the meanwhile the opposition parties started an association named Aliansa Patriòtiko (Amigoe, 2009l).

On 16 February 2009 the Referendum Committee presented their proposals to the Island Council. They suggested the date of 8 May 2009 for the referendum and a single question to be posed: I approve the results of the Round Table negotiations: 'Yes' or 'No'?

(Amigoe, 2009m, Referendumcommissie, 2009a, 2009b). Immediately the DP party stated that they had no position on the issue, just as they had in the previous elections. The newspaper “Vigilante” stated that they supported the ‘No’ campaign. On 17 February 2009 the Island Council discussed and approved the proposal from the committee. It lowered the age of participation from 18 to 16, as had happened in the referendum of 2005. There was a lot of discussion from the opposition parties that formulation of the question was biased, but the coalition did not move. There was also criticism of the new chairman of the committee (Amigoe, 2009n). In the following days the unions also commented on the question chosen by the committee, stating that it was not specific enough, and was biased. During those days it became apparent that the Dutch Junior Minister (Staatssecretaris) Bijleveld was considering taking part in the local carnival parade. There was vocal opposition to such involvement from some sections of the population, especially “Aliansa Patriòtiko”. They considered this to be intervention in local affairs. But the Commissionaire of Constitutional Affaires, Mrs. Zita Jesus-Leito, stated that this was not the case. As a result of the controversy, Mrs. Bijleveld reconsidered (Amigoe, 2009o). On Sunday 22 of February the carnival parade took place and Mrs Bijleveld was only a spectator, accompanied by the Prime Minister of the Netherlands Antilles, Mrs. de Jongh Elhage.

In a marathon session of the Island Council, held on 20 February to approve the report of the Referendum Committee, it was decided to postpone the referendum for one week, until 15 May 2009. This was to avoid a clash with the celebration of Mother’s Day. Although the opposition made many suggestions, almost none were accepted. When voting, the leaders of the DP and the NPA were absent. The absence of the NPA was not explained (Amigoe, 2009p).

Two other lines were developing. The Netherlands was speeding up the integration of Bonaire, St. Eustatius and Saba (BES). Some argued that this was to send a message to the voters in the upcoming referendum on Curaçao. The second line was that groups, also in the Netherlands, were expressing their concern over the consequences of a ‘No’ result. In particular, concern was expressed about the implication for the debt of Curaçao. The Junior Minister made it clear that the cancellation of the debt of Curaçao was a once in a lifetime opportunity. If Curaçao voted ‘No’, this opportunity would be lost and that the Netherlands would continue with constitutional reform of the other islands, leaving Curaçao behind. The opportunity would be lost as a consequence of the economic depression the Netherlands was facing and the rise of right wing parties in the Netherlands (Amigoe, 2009q).

On 24 February 2009 the leader of the DP stated that the referendum was not in accordance with the principles of good governance and that the party would take the Island Government to court (Amigoe, 2009r).

The campaign and main issues

On 25 February 2009, the day after last parade of the carnival season, the campaign was

unofficially started. The topic of the upcoming referendum was in all the talk shows. The president of the Referendum Committee gave his first radio interview in “Perspektiva” on “Radio Z86”. Mrs Bijleveld stated that she was very concerned about good governance on the islands of the Netherlands Antilles (Amigoe, 2009s, Bijleveld-Schouten, 2009). The Commissionaire of Constitutional Affaires stated that the island Executive Council would not resign if the deal was rejected in the referendum (Amigoe, 2009t).

On 26 February 2009 Mrs. Bijleveld signed contracts for numerous social projects and visited several others, accompanied by the Prime Minister and members of the Executive Council of Curaçao. All these projects were part of the Social Economic Initiative (SEI) that was part of the constitutional change (Bala, 2009a). On the 26 February 2009 the lawyer Mr. Eldon Sulvaran, in a talk show on Channel 11, give a one hour interview explaining why he and other lawyers were against the deal, especially the changes to the judicial system.

On 27 February 2009 the DP leader published correspondence with a Belgian professor in research methods, in which he stated that the question posed by the Referendum Committee is a leading question (Amigoe, 2009u). The same day the coalition partners (PAR, FOL and PNP) held a meeting to discuss their campaign for ‘Yes’ (Amigoe, 2009v). On 2 March 2009 the Aliansa demanded access to the schools, because advisors of the government were advising high school students to vote ‘Yes’ in the referendum. The Aliansa also announced that they were going to the grass roots (Amigoe, 2009w). That same Saturday evening the leaders of the opposition, including Erol Cova, were on the TV talk show “Defrente ku Lupe” campaigning for ‘No’.

The tone was set for the campaign. The Netherlands would get involved via Junior Minister Mrs. Bijleveld, showing the concrete benefits of staying within the Kingdom. The coalition would campaign for ‘Yes’, stating that this was a unique deal and would lead to autonomous status and freedom from a big part Curaçao’s national debt. The opposition would campaign for ‘No’, stating that ‘Yes’ stood for selling the autonomy of Curaçao, and that if Curaçao agreed that matters like policing and the office of the Public Prosecutor are affairs to be formalized at the level of the Kingdom, the autonomy of the island would be lost for ever. The DP would campaign that the referendum was illegal and manipulative.

On 2 March 2009 the CFT approved the budget of the Island Government of Curaçao (Amigoe, 2009x). Some argued that the CFT had to, because it would have been very inopportune to reject the budget in the face of upcoming referendum. This cleared the way for the clean-up of the national debt of Curaçao by the Netherlands. The same day the world economic recession in the Netherland was becoming more visible and a political poll published in the Netherlands suggested that if elections were held at that time the right wing politician Geert Wilders’ party would obtain 27 of the 150 seats and become the biggest party in the Netherlands (Amigoe, 2009y). This was perceived to be bad news for the Antilles. Wilders subsequently stated that he wanted to get rid of the

Netherlands Antilles. At this stage the number of letters from citizens to newspapers and radio stations increased, as did phone calls to radio and television programmes.

On 4 March 2009 the members of Dutch parliament sent a clear message that if the result of the referendum was 'No', the deal was off and that they would even consider cutting Curaçao off financially. The coalition stated that Curaçao should hurry, but the opposition described this as blackmail (Amigoe, 2009z). Apparently Junior Minister Mrs. Bijleveld also stated that if the referendum result was 'No', the government of the Netherlands had a plan B (Antilliaans Dagblad, 2009b).

The three coalition partners (PAR, PNP and FOL) held a meeting to discuss their campaign for 'Yes'. They considered this to be the official start of the campaign of the 'Yes Camp' (Bala, 2009b). In the meantime it was becoming apparent that the business community, Vereniging Bedrijfsleven Curaçao (VBC), was giving their interpretation of the referendum question. They stated that citizens must approve the five Consensus Kingdom Laws (Financial supervision, Common Court of Justice, the Public Prosecutor, the Police Force, and the Board of Justice). The opposition stated that the VBC was wrong. The referendum was about the question of whether the Consensus Kingdom Laws are in alignment with the results of the referendum of April 2005.

On 8 of March 2009 the 'No camp' launched a website, www.vota-no.com, with an advertisement on television, while the 'Yes camp' launched www.kuradigital.com. The same day the former Antillean Dutch Judge, Mr. Bob Wit, expressed his concerns about the way Dutch politicians were dealing with the constitutional reforms and intervening in Antillean Affairs, especially in relation to the Public Prosecutor (Wit, 2009). Meanwhile, the Dutch parliament stated that the constitutional changes could not be implemented in 2010 in St. Maarten, as a result of perceived corruption that was suffocating the island (Amigoe, 2009aa).

On 11 March 2009 three opposition parties (MAN, NPA and FK) presented a business plan for Curaçao. In the plan they explained how they would resolve the financial situation of the island after a 'No' result in the referendum (Amigoe, 2009ab). The 'No Camp' started a daily programme on Channel 11 from 22:00 to 23:00 to present their point of view. Meanwhile the Referendum Committee requested an increase in the budget for the information campaign, which they felt was much needed, given the strength of the 'Yes' and 'No' campaigns.

On 16 March 2009 there was an indication that the Council of State (Raad van Staten) took a dim view of the involvement of the Dutch Minister of Justice in the affairs of Curaçao. This was perceived as good news for all sides in Curaçao and a disappointment for the Dutch. At the same time riots in the prison of Curaçao triggered a discussion on the issue of Dutch intervention.

The official campaign by the Referendum Committee started on 16 March 2009 and

would last for eight weeks (Referendumcommissie, 2009b), but the campaign was already in overdrive. The ‘Yes’ campaign was launched again (Amigoe, 2009ac). On 20 March 2009 the Lieutenant Governor refused a petition from DP to annul the referendum law (Amigoe, 2009ad). It also became apparent that the CFT had assumed that the Dutch government would assume the island’s debt when they accepted the measures announced in the budget (Amigoe, ae).

On 23 March 2009 Commissionaire Mrs. Jesus-Leito was on the talk show “Perspektiva” on the radio in the morning and on “Konkushon” on TV in the evening, challenging the ‘No camp’. The ‘No-camp’ held a press-conference calling Island Commissionaire Mrs Jesus-Leito a liar, because she stated that the opposition parties had agreed to financial supervision by the Netherlands in 2006. Junior Minister Mrs. Bijleveld announced that the Netherlands would assist with the construction of a new hospital, if the outcome of the referendum was ‘Yes’ (Amigoe, 2009af).

The start of the official referendum campaign

On 24 March 2009 the President of the Referendum Committee, in the news on TV Channel 8, announced the start of the official information campaign. In the following weeks three bulletins would be distributed to all households, containing information on the referendum. He also announced the arrival of the United Nations observer Mrs. Pamela Revees and the launch of the website www.referendummei15.com (Amigoe, 2009ag). On the 25 March 2009 the first bulletin was distributed, explaining why the referendum was being held.

In the Netherlands the Cabinet, as part has their deliberations on the strategy to deal with the recession, restated that they would take care of the debt of the islands, but also stated that if the result was ‘No’, the deal was off.

On the 26 March 2009, in a meeting on Curaçao, the Dutch Junior Minister for Antillean Affairs Mrs. Bijleveld announced that the *aanwijzingsbevoegdheid* of the Dutch Minister of Justice would be cancelled. This was a direct consequence of the opinion of the *Raad van State*⁶ and the *Raad van Advies*⁷ that this construction stretched the existing legal framework. In a press conference, Island Commissioner Mrs. Jesus-Leito declared that because of this decision, the result of the referendum would be ‘Yes’ (Amigoe, 2009ah). This added to the politicization of the referendum. Both the ‘Yes’ and ‘No’ camps claimed the abolition of the *aanwijzingsbevoegdheid* as their victory.

At this time a controversy started about the use of a sixteen year old video recording, showing that Mr. Freddie Curiel, a fervent ‘Yes’ activist and government advisor, had once opposed handing any form of authority of the island to the Kingdom. The footage of the deceased former Lieutenant Governor, Mr. Cees Maartena, was especially

⁶ The Council of State of the Kingdom of the Netherlands.

⁷ The Council of State of the Netherlands Antilles.

controversial. The referendum was the only topic on the island. All talk shows were about the referendum. On Friday 27 March 2009 “Sentro di doktor” of “Curises” published another survey on the topic of the referendum. It did not predict an outcome, but claimed that one third of voters did not know what the referendum was about.

The UN observer

31 March 2009 was a quiet day on the island, perhaps because of the visit of UN observer Mrs. Pamela Reeves. The talk shows appeared normal. The ‘No’ talk show in the evening on TV11 drew attention by bringing in very well respected guests like Prof. Dr. Alejandro (Jandi) Paula and former PNP politician, Mr. Rufus McWilliam. The number of panel discussions and forums on the topic of the referendum kept increasing. One of the first big ones was the forum at the University of the Netherlands Antilles.

But in the Netherlands there was a serious debate in parliament as a consequence of the removal of the *aanwijzingsbevoegdheid*. The biggest conservative party (VVD) in the Netherlands, at that time in opposition, withdrew its support for the deal, the *Slotverklaring* (Antilliaans Dagblad, 2009c).

On 1 April 2009 Radio Hoyer placed restrictions on Mrs. Phyllis Hernandez, asking her not to discuss the upcoming referendum, because she was the host of the ‘No’ talk show on television..

The observer of the UN met with the Island Council. The opposition complained that public funds were being used to promote the ‘Yes’ campaign. A television advert by the ‘No’ campaign, showing the Commissionaire of Finance stating that concessions were made concerning autonomy during negotiations with the Netherlands, drew attention.

On 3 April 2009 the observer of the UN continued to meet stakeholders, especially political parties represented on the Island Council. The opposition stressed the fact that the government was misusing public funds to endorse ‘Yes’. The UNA students held their ‘No’ forum. It was confirmed that Mrs. Phyllis Hernandez was censored by Radio Hoyer. Also Mrs. Leito started to distribute the information booklet (Eilandgebied Curaçao, 2009) door to door. The family of Mr. Onelio (Cees) Maartena started legal proceedings to prevent the opposition using the recording of the deceased man.

On 4 April the UNA students held their last event, a debate between ‘Yes’ and ‘No’. On 7 April 2009 the Foundation for ‘Yes’ held their launch event stating that ‘Yes’ means ‘No to isolation of the island’ (Antilliaans Dagblad, 2009d).

On 9 April 2009 the campaign is relatively quiet in the media. The campaign is being held in town meetings and door to door. One of the main bankers announced in the bank that he endorsed ‘Yes’ and this was covered by the media. The Aliansa announced a demonstration on 19 April 2009. So the island started a long Easter weekend. Traditionally there is no campaigning during these days. In the meantime, Mrs.

Hernandez resigned as presenter at Radio Hoyer, because of pressure from the of sponsors of the 'Yes' campaign. Also the advert with Mr. Cees Maartena was removed by the 'No' camp because of pressure from the family.

One more month to go

Tuesday 14 April 2009 was the first working day of the week. The Grand Parade of the Harvest Festival was held on 13 April. The news was the letter signed by relatives of Dr. da Costa Gomez and Dr. Jonckheer, both founding fathers of the Netherlands Antilles, stating that they both endorsed 'Yes' in the referendum. They asked the 'No Camp' not to misuse the names of their relatives (Antilliaans Dagblad, 2009e). Also in the media there were rumours that the march of the 'No Camp' on 19 April 2009 would be infiltrated by 'Yes' people, with the intention of causing trouble and blaming it on the 'No Camp'. In the afternoon Amigoe reported on an SMS survey to illustrate the division in society, indicating that the 'Yes' and 'No' camps were tied. Phyllis Hernandez had a big interview in Antilliaans Dagblad. It was reported that Helmin Wiels would restart a radio talk show from Bonaire. In the past his program had been cancelled on account of what some described as 'hate speech'.

On 16 April 2009 Amigoe published an article that stated that there was much division, but that the 'Yes' campaign had a small advantage. It also reported that the Netherlands was considering investigating corruption in Curaçao, and that Curaçao would start with a debt of 1.3 billion guilders. During the weekend the 'Yes camp' did not show up for a debate at Souax, while the 'No camp' held a successful protest march on Sunday 19 April. Thousands of citizens marched. Musical spots aired on the radio increased, including a spot by 'Yes' in Spanish, focusing on the Latinos who acquired Dutch citizenship.

The debate was now very intense. The community was very divided. There are no more debates with both camps at one venue, as 'Yes' feels threatened and 'No' feels a lack of respect from speakers and supporters from the others side. The Mrs. Bijleveld was again on the island presenting projects financed by the government of the Netherlands. Representatives of the 'No Camp' failed to attend the MCB Bank debate. The president of the Chambers of Commerce stated that he would vote 'Yes'. Lawyers are deeply divided on the issue. There is a discussion on the voting machines that will be used.

On Friday 24 April 2009 FOL announced that it was suspending its support for 'Yes' because there was an issue with a project of an investor who allegedly had ties with FOL before the Executive Council. The FOL was using their position in the coalition to advance their own agenda (Antilliaans Dagblad, 2009f). 'Yes' organizes a big youth rally (Antilliaans dagblad 2009g). Former prime-minister Don Maartena widely reported explaining why 'No' is the only option. On Saturday 25 April 2009 there was a rap 'Yes' contest on Brion Plein.

On 27 April 2009 the Referendum Commission started the second stage of the campaign.

The objective was to stimulate debate on the content of the referendum. In practice this had little effect (Referendumcommissie, 2009b)

On 29 April 2009 there a criminal network with ties to the terrorist organization Hezbollah was broken up. This was evidence, according to the 'Yes camp', that cooperation in the area of justice pays off. In the meantime Mr. Don Maartena was being confronted, among others by former Prime Minister Mrs. Maria Liberia Peters.

Two more weeks to go

Heading into the long weekend from 30 April to 4 May 2009 the campaign was in overdrive. The FOL was still threatening to leave the coalition and the Prime Minister held a meeting with Mr. Godett on Tuesday 28 April. The outcome of this meeting is unclear.

On Queen's Day (30 April 2009) there was an attack on the Royal Family in Holland. This could have consequences in a sympathy vote for 'Yes'. 'Yes' is very active during the events of Queen's Day, distributing promotional material.

On Labour Day 'No' organized a media event in the World Trade Center. This meeting had great impact. On 3 May 2009 former Prime Minister Don Maartena was on the TV talk show of 'No'. At this stage many observers gave 'No' a slight advantage. Many were convinced that major moves were to be expected during the remaining time of the campaign. In a 'Yes' talk show named "Senergia" former Prime Minister Mrs Liberia-Peters, refers to an article in "El Periodico" that states that 'No' is an anti-imperialistic movement seeking funds in the region to sponsor their campaign.

There was a great deal of speculation about the funding of this campaign. 'Yes' had a budget of 4 million guilders; two from the private sector, two from the island. 'No' declared that they only had a budget of less than half million guilders.

4 May 2009 Chata (Curaçao Hospitality Association) announced it was pro 'Yes'. VBC was concerned about the popularity of 'No'. By now the campaign was almost impossible to follow. Almost all former Prime Ministers are involved. In the evening Prime Minister Pourier made his case for 'Yes'. It was noticeable that 'No' had reserved all the strategic time slots on all three local TV-stations. A symbolic act of harmony on Labour Day goes almost unnoticed a day later. Mr. Jacob Gelt Dekker was on TV24 and stated that Curaçao should "take the money and run" (Antilliaans Dagblad, 2009h). A poll was published stating that 'Yes' was ahead with 61% (Antilliaans Dagblad, 2009i).

5 May 2009 started with the interview of Prime Minister Liberia-Peters on "Perspektiva" on radio Z86. She started to defend 'Yes' for strategic reasons. In the evening in the 'Yes' talk show on Channel 8, "Sinergia", three sons of leading campaigners for 'No' campaigned for 'Yes'. The objective was two fold: first, to weaken the presentations of their respective fathers, and secondly to explain that, for strategic reasons, the voter

should vote 'Yes'. After the referendum the campaign to change the things were Curaçao does not agree with the Dutch government should continue. Earlier in the day the Prime Minister was in parliament. The opposition asked questions on the issue of oil exploration in territorial waters. She stated that there was no oil and that the motives of the opposition were political, not only in the light of the upcoming referendum but also the elections after the referendum (Antilliaans Dagblad, 2009j).

On 7 May 2009 former Island Commissionaire Ivar Asjes became a strong and important member of the 'No' campaign.

The last week of the campaign

The last stage of the campaign of the referendum Commission was from 9 to 14 May 2009. In practice it was hardly noticed (Referendumcommissie, 2009b).

On 8 May 2008 the 'Yes' campaign was helped by the government holding a very big session for all civil servants. The 'No' campaign hosted a really big event in "Because", with speakers like Mr. Caryl Monte and Mr. Jandi Paula. It was a follow up on the session held in the World Trade Center and was very successful. Radio Direct held a phone poll: 'No' won by 78 to 68.

On 9 May 2009 Mr. Caryl Monte endorsed 'No' in a religious programme. The advantage seemed to be moving to 'No'. But in the streets it was visible that the flags of 'Yes' had arrived. The campaigns of both camps intensified. Both distributed promotional material to the voters.

Sunday, 10 May 2009 was Mother's Day. The campaign continued. Many programmes were retransmitted on television. Mr. Errol Cova arrived back from Colombia where he was treated for a mild heart attack he suffered during the campaign.

In the media of 11 May 2009, trouble in Bonaire with constitutional changes was reported. Former Governor Mr. Saleh gave a speech endorsing 'Yes' in the Netherlands. It appears that a Dutch marketing expert is running the campaign in Curaçao for the 'Yes camp'.

On 11 May 2009, 'Yes' stated that 'No' campaigner Mr. Wiels was threatening violence after 15 May. Mr. Justiana of the Sitek Labor Union stated that they regretted the role of political parties in the referendum and that they endorsed 'No'. The president of the Referendum Committee, Dr. Boersema, stated that he was very disappointed about the low level of the campaign and the fact that political parties dominated the referendum campaign (Amigoe, 2009ak). In the evening Prime Minister Mrs. de Jongh-Elhage addressed the nation. She stated that voters should accept the deal and move forward. She referred to the founding fathers of the Netherlands Antilles, Dr. da Costa Gomez and Dr. Jonckheer, stating that in those days they too accepted a deal, although they had principled objections to some aspects of the deal.

On 12 May 2009 political parties disagreed with the chairman of the Referendum Committee about their negative role. 'Yes' compared the deal with the deal Aruba got in 1986 and concluded that it was a very good deal. Mr. Wiels stated that a prominent PAR financier was being investigated for drug trafficking and money laundering.

On 13 May 2009 'Yes' closed its campaign in the evening with a big concert. 'No' had no closing event, stating that it had no funds. The "three sons" were on TV in the morning, saying that this is a good deal. Mr. Charles do Rego a well-known advocate for total independence, stated that the deal is a good halfway house. Telecuracao (Channel 8) published a poll indicating that 'Yes' will win. The UN representative was on the island and inspected the voting machines. The Lieutenant Governor made a dramatic appeal for calm rather than violence, and asked everyone to accept the result when it was known.

The campaign of 'Yes' focused on Mr. Monte, because he was the most effective spokesperson in the 'No camp'. An edited video of one of his interviews is at the centre of the controversy. In this edited video he stated that it was preferable for the island to go through misery then to accept the deal.

The media highlighted the fact that the state owned Venezuelan oil company PDVSA was in financial problems and in no position to buy the refinery on Curaçao if the outcome was 'No', and there was not solution to the national debt.

A big SMS poll was published which predicted that 'No' would win the referendum with 51% of the votes.

All former Prime Ministers appeared in an advertisement asking all voters to make use of their right to vote.

The 'No' campaign closed after all in a modest meeting at the headquarters of PLKP.

The day of the referendum, 15 May 2009

Before dawn, all the voting machines, made by "Smartmatics", were distributed from the Curaçao World Trade Center to 106 polling stations. Technicians of "Smartmatic" were on the island, prepared for every eventuality. All media started their transmissions early, including two of the three television stations. The polls opened at 8:00 am. There were some technical difficulties at three polling stations that were quickly resolved.

"Antilliaans Dagblad" opened with the results of a poll that 'Yes' was doing very well. There was an airplane with a 'Yes' banner flying over the island. The media in Curaçao was upset by an article in the Dutch newspaper "de Volkskrant" stating that racial disturbances are to be expected during the day. During the day it was reported that there was a doll hanged by 'No'. This was removed by the police.

At 12:45 pm, in her first briefing, the Lieutenant Governor reported that 24,198 people (20%) voted, 5% more than average. After lunch at some polling stations there were very long queues of voters waiting. But the streets were very quiet. At her second briefing, at 17:15 pm, she reported that 49% of the electorate had voted. There was also an incident where the Prime Minister allowed a child to cast her vote. It was investigated whether this constituted a legal vote.

The polls closed at 19:00 pm and immediately the result started to come in and it was apparent that it was a close race - too close to call.

The result

At 21:30 pm the final result was known. The turn out was 67.1% of the eligible voters. ‘Yes’ won, obtaining 52% (41,398 votes), while ‘No’ obtained 38,363 votes.

Table 1: Result of the referendum 2009

| Referendum 2009 | |
|-----------------------------|---------|
| Number of registered voters | 118,861 |
| Number of legal votes | 79,694 |
| Number of invalid votes | 26 |
| Percentage of the turnout | 67.07 |

| Option | Number of votes | Percentage |
|---------------|------------------------|-------------------|
| Yes | 41.433 | 52 |
| No | 38.261 | 48 |
| Total | 79.694 | 100 |

Source: Referendumcommssie, 2009b.

On television, Mr. Cooper of the ‘No’ campaign, warned the government not to neglect the 48%. Mr. Navaro and Mr. Pierre were very disappointed and also warned the government not to ignore the 48%. The Prime Minister stated that she would reach out to the opposition. Prime Minister Balkenende of the Netherlands and Junior Minister of Antillean Affairs Mrs. Bijleveld gave their reactions. They stated that the opposition needs to rejoin the process, now that ‘Yes’ has won the referendum.

In a way this is a reflection of the 11 – 10 division in the distribution of seats on the Island Council. If the votes of the parties endorsing ‘Yes’ and ‘No’ are counted, it reflects the split. But it is simplistic to believe that voters voted strictly according to party lines.

Table 2: Changes in representation, 2003 -2007

| | | Votes | Votes | Seats 03 | Votes | Votes | Seats 06 | 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 | 0 | 1227 | 1.6 | 0 |
| 2 | FOL | 22745 | 33.9 | 8 | 9582 | 13.6 | 2 | 7648 | 10.3 | 2 |
| 3 | DP | 2519 | 3.8 | 0 | 2638 | 3.7 | 0 | 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 | 5 | 20862 | 28 | 7 |
| 7 | PS | | | | 3357 | 4.8 | 0 | 5494 | 7.4 | 1 |
| 8 | NPA | 3819 | 5.7 | 1 | 3851 | 5.5 | 0 | 6304 | 8.5 | 2 |
| 9 | PNP | 7153 | 10.7 | 2 | 7768 | 11 | 2 | 7558 | 10.2 | 2 |
| 10 | Forsa | | | | 6658 | 9.4 | 2 | 4932 | 6.6 | 1 |
| 11 | MAN ⁸ | 6274 | 9.3 | 2 | 13123 | 18.6 | 3 | 13923 | 18.8 | 5 |
| | Ban Vota | | | | 484 | 0.7 | 0 | | | |
| | MODPOR | | | | 242 | 0.3 | 0 | | | |
| | PAPPS | | | | 185 | 0.3 | 0 | | | |
| | E Mayoria | | | | 41 | 0.1 | 0 | | | |
| | PPE | | | | | | | | | |
| | MSI | | | | | | | | | |
| | Blanco | | | | | | | | | |

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

The trends

During the process we saw the following trends: protests that in some cases led to confrontation with the police and led to arrest of even members of parliament, shots fired at a party building. There were personal attacks and threats against politicians but also against members of the Referendum Committee, former Prime Ministers and others. The Prime Minister had to increase her personal security. Groups were afraid, especially on polling day. Society was polarized. In the process, players were taken to court.

The Netherlands intervened openly in the process. They did this by making their offer to relieve the national debt conditional, and by financing social projects. They even promised a new hospital. Junior Minister Mrs. Bijleveld frequently visited the islands. The political panorama in the Netherlands changed along the way because of the global economic crisis and the emergence of the right wing politician Geert Wilders. The economic crisis was also used to argue that selling the refinery to the state owned Venezuelan company, PDVSA, as proposed by the 'No camp', was not a viable option.

Many polls were published , but none could be taken seriously. Scholars were brought in

⁸ MAN, NPA and FK combined their efforts and presented a joined list in January 2010

to support the arguments.

The youth was very involved. The schools played a role in this. This is partly explained by the lowering of voting age from eighteen to sixteen.

The media involvement broke all records. Not only were all talk shows dedicated to the referendum but also letters from readers to newspapers. New media were extensively used, with state of the art websites and SMS surveys and the combination of platforms. This is best illustrated by the state of the art coverage of the voting by Telecuraçao. What is also significant is that censorship was practiced. A journalist had to leave a position because of her outspoken statements on the issue of the referendum.

Another trend was that religion entered the arena. Religious leaders and churches voiced their viewpoints.

The consequences

Both blocks consider themselves winners of the referendum, although 'Yes' has a more justifiable claim. Both blocks state that the gap must be bridged between the two camps, but on their own terms. All parties were looking forward to the next elections. Some said that the elections would be in September 2009 and others state that the elections would be held in January 2010. In any case, they were expected before the end of March 2010. Then the government announced that the elections would be canceled.

In his television programme on 17 May 2009, Mr. Pierre stated that there are two camps of 'No' working together. One consists of MAN, FK and NPA. The other is the Aliansa Patriòtiko, consisting of PS and PLKP. He went on to say that the first three are working together to present one list for the upcoming elections.

On the 18 May 2009 it was announced by the Dutch that the date for the new constitutional changes had been postponed until 1 January 2011. The Antillean government also stated that there will be no elections during this period. Both camps try to explain their results. The 'Yes camp' states that their voters did not go to the polls. Mr. Gino Valerian of the Foundation 'Yes', in a talk show, explained that the 'Yes Camp' consisted of four groups.

Aliansa Patriòtiko still claims victory. They argue that Dutch and other voters, like Latinos, are not part of 'the people' who have the right of self-determination, according to the UN ruling. The two camps are still debating the result through their allies in the media. On 20 May 2009 Kousa Komun⁹ stated that 'No' is putting a bomb under democracy by questioning the referendum results. The official results of the referendum have been published. The Netherlands is concerned. On 22 May 2009 the opposition

⁹ Kousa Komun is a NGO operating in the area of Good Public Governance.

parties stated their conditions for the dialogue with the government on the result of the referendum.

On 19 May 2009 the Prime Minister informed the population, via the media, that a letter had been sent to opposition leaders inviting them to talk. On 26 May 2009 the opposition parties declined the invitation to talk with the coalition on the outcome of the referendum. The newspaper "Ultimo Notisia" wrote that voters are able to vote 'No' again in the coming elections, because two thirds of the seats in parliament are needed to approve the constitution.

On 25 May 2009 Mrs. Bijleveld announced in the Dutch parliament that the Netherlands will take care of 100% of the debt of the islands (Antilliaans Dagblad, 2009l). Mrs. Bijleveld stated in parliament that she abhors the expressions on ethnicity in the local media (Amigoe, 2009aj). Mrs. Bijleveld stated that the process of ending the Netherlands Antilles is going to slowly. She also expressed deep concern about the latest developments in St. Maarten, where the coalition is changing, thanks to the sentencing of a corrupt politician (Antilliaans Dagblad, 2009k).

On Friday 29 May 2009, just when the coalition in Curaçao started several projects to demonstrate the positive consequences of the 'Yes' vote, the coalition on Bonaire broke up and a new one was formed, demanding a referendum on Bonaire on the future constitutional changes.

30 May 2009 was 40 years after the revolt. The FOL commemorated the day and stated that it was never about race. On 31 May 2009 there was a 'No' parade to celebrate victory and to say 'No' to re-colonization (Antilliaans Dagblad, 2009l). There was not much coverage in the media.

On Monday 1 June 2009 the Island Council debated on the result on the referendum. They could not agree on the wording of the resolution and the meeting was adjourned. But later in the evening the referendum results were approved by eleven of the 21 members of the Island Council.

In the meantime, the three parties are preparing for the next elections. They appointed Mr. Coopers (of the MAN) to head the electoral list. But the Prime Minister stated that it does not make sense to hold elections for the State of the Netherlands Antilles. Finally, based on legal advice of the State Council of the Kingdom of the Netherlands and the State Council of the Netherlands Antilles, the elections are called for January 2010.

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