

Summary amendments Revision Act WolBES-FinBES

The Public Entities BES Act (WolBES) and the Public Entities Finances BES Act (FinBES) address the administration of Bonaire, Sint Eustatius, and Saba. They enable the Executive Council to do the right things for the island and its inhabitants. These Acts provide frameworks that assist in ensuring good governance and sound public finances. This also includes effective checks and balances, e.g. oversight by the island council, a local audit office, and the Kingdom Representative. This bill modernises and improves the WolBES and the FinBES.

This is a second internet consultation for the Revision Act WolBES-FinBES. The first can be found at www.internetconsultatie.nl/wolbesfinbes. The bill has been amended since then. The position of Kingdom Representative remains, but is structured differently. The bill also includes the elaboration of a number of agreements reached with the island administrations during the initial consultation. This second consultation makes it possible to respond to these amendments as well.

Amendments for retention of Kingdom Representative

In the previous version of the Revision Act WolBES-FinBES, the position of Kingdom Representative was abolished. The position is now retained. There are various reasons for this. In fact, the reasons given in 2010 for the introduction of the Kingdom Representative still apply, including the geographical distance and cultural differences. In addition, intergovernmental supervision of the Executive Council requires the presence of an administrator on the islands. The supervision cannot properly be carried out from The Hague.

However, the position of the Kingdom Representative does change. The Kingdom Representative is going to focus more clearly on the contribution to good governance and intergovernmental supervision. The Kingdom Representative is given more authorities to gather information and has a stronger role in intergovernmental supervision. The role of the Kingdom Representative in representing interests is becoming smaller.

Another change is that the Kingdom Representative is going to be better embedded in the Caribbean region. This is reflected, among other things, in the preparation of an annual plan and an annual report, as a result of which a form of public accountability is introduced.

Amendments following agreements with Executive Councils during initial consultation

A number of provisions have been amended to better regulate how Bonaire, Sint Eustatius, and Saba are involved by the Central Government in proposals that affect them. The WolBES clarifies that the Executive Council determines whether there is a body that can

represent them in consultations. It is also arranged that Bonaire, Sint Eustatius and Saba can always issue an opinion on policy proposals of the Central Government that will lead to far-reaching changes on the islands. The Act also stipulates that there shall be periodic consultations between the Central Government and the islands on policy of the Central Government.

In order to give Bonaire, Sint Eustatius, and Saba more opportunities to perform their tasks adequately, it is proposed to expand the borrowing options available to the Executive Councils. Just like municipalities, Bonaire, Sint Eustatius, and Saba can take out loans with banks. This is only permitted for the performance of island-specific tasks, e.g. social housing, better roads, better energy supplies or a new school building. Conditions shall be imposed on the borrowing. There shall also be supervision on the borrowing by the islands. This limits the financial risks. The way in which the money of Bonaire, Sint Eustatius, and Saba is managed is also becoming more similar to how this is arranged for municipalities.

Other

The Revision Act WolBES-FinBES replaces, where possible, the term 'public entities' with 'Bonaire, Sint Eustatius, and Saba'. In addition, a number of more technical amendments have been implemented, e.g. regulating how the number of residents is determined.