

St. Eustatius, May 12, 2022.

Dear Chairman and members of the Committees on Kingdom Relations of the Senate and the House of Representatives,

Yesterday I virtually attended your (House of Representatives) procedural meeting. Nice intentions about strategic procedure meetings and - more specifically - a remark in this context about the applicability of legislation in the different domains (i.e. different committees) "*whether or not also in the BES*".

It is precisely this point that I would like to address. I hope that you and I mean the same thing, as follows. The starting point, in my opinion, is that all legislation in the European Netherlands also applies to the Caribbean Netherlands, *unless....* (this unless component is filled in in case the circumstances on the island are substantially different from those in the European Netherlands).

At the same time I understand that in many policy areas (and as many Commissions) the unfamiliarity is so great that your Commission must point out that the present laws and decrees are not only valid in the European Netherlands, but also in the Caribbean Netherlands. And there - as I understand it - the necessary missionary work still needs to be done.

Because the BES islands have the status of a "public entity", it is possible that, when the circumstances are essentially different from those in the European Netherlands, island (BES) legislation will be involved. In principle - I believe - these circumstances will only differ substantially in the case of - by way of example - the climate with peculiarities such as hurricanes. The fact that the municipal population administration on the BES islands is not identical to that of the European Dutch municipalities is, in my opinion, a good example of a non-substantially different circumstance. After all, it is simply a matter of human decision making whether or not to switch identically. So here, in my opinion, there is no substantial difference.

Likewise with the fight against poverty and the related social benefits. Here, everything in the Caribbean Netherlands that I can think of about this policy area is not substantially different from the circumstances in the European Netherlands. In short, throw this discussion about the Caribbean Netherlands minimum subsistence level into the wastepaper basket immediately. So: "comply", after all there is no essentially different circumstance here ("to explain").

In short, instead of always, and in all policy areas, asking yourself "is this also applicable in the BES", in my opinion this question should always be answered in the affirmative and only when the circumstances are essentially different (as the Constitution also states with regard to the public entity in Art. 132a, paragraph 4). And then it is also easy to explain.

A remark in this regard: although the proposal made in this letter seems to me to be a handy and useful strategy, it does require a good and permanent consultation with the (Island Councils of the) individual BES islands. After all, it is the (representatives of the) inhabitants who play a role in the view whether certain legislation should be the same or different, given the different circumstances.

I conclude by wishing much wisdom to all!

Kind regards,

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cc: *National Ombudsman*