

The Hague, October 11, 2022.

Dear Chairman and Members of the Committee on Kingdom Relations of the TK and EK,

I too was triggered by the Supreme Court's ruling (dated October 7, 2022) that the AOW apparently has no meaning on Bonaire. A closer look, however, reveals that the Supreme Court actually did nothing more than carefully read (and apply) the General Old Age Act (AOW) 1957 and conclude that the law has a limited scope of application namely "the Netherlands", without explicitly including the Caribbean Netherlands under this. In combination with the Introduction Act BES, this leads to (once again) a difference between two types of Dutch nationals in the different Netherlands (European versus Caribbean), according to the Supreme Court.

When it comes to legal matters, as a non-lawyer I do have some examples:

- The standard to raise children non-violently has apparently been explicitly defined in the Civil Code in force in the Netherlands since 2007. In 2021 (fourteen years later, in response to incidents), a bill will be introduced to declare this norm applicable to BES islands as well.
- The Opium Act of 1928 (!) has an article 13b that empowers mayors to intervene in drug premises. The need arises to place that authority in the hands of rulers on the BES islands as well. And yes, in September 2021 a bill to this end is submitted for consultation, and another year (!) later - after only one (supportive) response to the consultation has been received - the bill is submitted to the Council of State for advice.

So here are two more examples of a *very energetic approach* <sic> to declare something in effect on the BES at the level of *article of law* (!), which is already in effect in the European Netherlands. And that while the "*comply or explain*" policy applies. A policy that states that in principle (new) legislation will be applicable in the entire Netherlands, so in both the European and Caribbean Netherlands.

Note: That it is possible to work energetically is demonstrated by the Temporary Act on Neglect of Duties on St. Eustatius of February 7, 2018, which was drafted and passed in record time (a few days or weeks) in both the Lower and Upper Houses of Parliament. But yes, then there is something that The Hague likes....

*The "lesson" I need and want to understand from this is that the legislature (Parliament!) needs to be much more diligent in the necessary legislation for the Caribbean public entities. It seems to me that a much more effective and efficient way of "sanitizing" (for surely that is what I may call this process) would be to declare in one fell swoop the legislation that is applicable in the European Netherlands also applicable in the Caribbean Netherlands (if necessary with a period to be determined in which abuses that unexpectedly arise as a result, can be repaired) and then also to involve the Island Councils of the three public entities Bonaire, Saba and St. Eustatius in making an inventory of legislation that is or should be specifically applicable on an island basis due to *circumstances that are essentially different from those in the European Netherlands*. This consultation of the Island Councils of the public entities will of course have to be based on mutual respect and mutual equality of all interlocutors (*neither of which are so obvious to date...*).*

Yours sincerely,

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cc: *National Ombudsman*