

The Hague, November 16, 2022.

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

Last night I listened with attention to the debate on the developments in the social domain in the Caribbean Netherlands. Hereby a comment on: **Equal? Equal!**

(Note: In English is no discrepancy between the Dutch words "Gelijkwaardig" and "Gelijk")

Somehow "equal" is the new key word. Fortunately, we have almost completely lost the benchmark (for the social minimum). We are now focusing on the establishment of a social minimum for the Caribbean Netherlands and that will again take a lot of organization and time: a commission to be set up for that purpose is going to investigate and - with a little luck - we will have the results just before the budget discussion in 2023.

It seems important to organize life "equally" in the Dutch Caribbean, compared to the European Netherlands. I see in the word "equivalent" a new 'excuse' being born to organize it all just a bit differently (read: less) than in the European Netherlands (cheaper especially, after all, it should not cost too much: "not a penny too much" [advertisement for Zeeland Girl from the seventies/eighties of the last century]). By "equivalent" I see living standards, cost level, and perhaps a few more such things being taken into account).

Why not - like the word choice in Article 1 of the Constitution - choose "equal"? After all, that article talks about equal treatment in equal cases for all who are in the Netherlands.

In 2010 it was chosen to incorporate three islands - collectively called the Caribbean Netherlands - into the country of the Netherlands and to do so as a "public body. Unfortunately, the decision was made to apply the laws and regulations of the Netherlands Antilles to the Caribbean Netherlands (it would of course have been much purer to let the Dutch laws and regulations be the new framework for this). So be it: what is done is done. However, it becomes more and more incomprehensible when on the one hand the adage "comply or explain" is adhered to and at the same time all kinds of laws and decrees are made in order to continue to see the Caribbean Netherlands as a separate (second-class) entity.

*Intermezzo: the terms "European" and "Caribbean" as an interpretation of which part of the Netherlands is meant, exist since 2010. All laws and regulations before that spoke - naturally - of the Netherlands. It was, after all, undivided. And it still is - if all goes well - but with a European and a Caribbean component. Just like the two proverbial sides of the coin!*

Thus, for (European) Netherlands there is a social minimum (with a whole collection of benefits linked to it as well as the legal minimum wage) in which no distinction is made by province, region or municipality, but for three (tiny) public entities (Saba, St. Eustatius and Bonaire) this distinction is made, with - as I understood - possibly even three different determinations of a legal minimum wage (namely per island!).

Was it not precisely the intention in 2010 to merge the said three islands into the country of the Netherlands with all its (mostly positive) consequences? The islanders would significantly improve - at least in the social domain - but that now appears to be beyond the scope of the cabinet. That, of course, is impossible. The disadvantage that was there, of course, should not simply be undone....

And well, when the minimum wage goes up, average individual earnings go up, and that comes at the expense of the (profits of the) employers. Ho, ho, ho, that's obviously not the intention.... And so now we get laws and regulations for three small villages in the country of the Netherlands where everything will be regulated just a little differently. The inhabitants will be kept on a short leash while the employers can breathe easy. If anything needs to be fixed about this employer consequence, come up with compensatory measures for it, but don't let the inhabitants of these already poverty-stricken islands muddle along in an inferior second-class position.

Of course I am not a specialist in this field but does the social minimum (for [European] Netherlands) also take into account a cost level? Because that does seem to be the case with the proposed social minimum for the Caribbean Netherlands....

With the 'annexation' of the BES islands to the country of the Netherlands, wasn't the intention precisely that AOV, onderstand, etc. would be scrapped, in favor of the (European) Dutch concepts of AOW, welfare, unemployment benefit, etc.?

I can already see the following risk analysis being made (not explicitly, of course, but still...): "*Do we as a government run the risk of an 'affair', like the surcharge affair?*". The answer, of course, is "no." But that does not, in my view, give the Cabinet room to make and introduce downright anti-social policies. ***May I, through your committee, call on the government to act in the spirit of 10-10-10 and truly and fully involve the BES islands in the country of the Netherlands?***

And if exceptions have to be made (in the context of "comply or explain" with the Constitution, art. 132a, paragraph 4 as the "rule of the game") let that be done in mutual and mutually respectful consultation with, as well as with the input of the (Island Councils of the) BES-islands.

Kind regards,

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cc: *National Ombudsman*