

The Hague, January 29, 2023.

Dear National Coordinator against Discrimination and Racism,

In the fall of 2022, I informed you of two letters I had sent to parliament. These letters were dated September 29, 2022 and December 3, 2022. You archived them and it seems that that's where it ended. And that is unfortunate.

I argue in these letters that Caribbean Dutch nationals (that is, those residing on Bonaire, St. Eustatius and Saba) are discriminated against compared to Dutch nationals residing in the European Netherlands. With some fanfare, it has been reported by the Minister of the Interior and Kingdom Relations that equal treatment laws will (finally) be introduced, but that is only a subset of the laws that should be considered.

After all, the Constitution makes clear in Section 132a paragraph 4 that own, island laws and regulations are only appropriate in those cases where *special circumstances* in the public entities of Bonaire, St. Eustatius or Saba ¹ are *substantially different* from those in the European Netherlands.

The policy of *legislative restraint* - which led to the legislation as in force in the Netherlands Antilles until 10-10-10 being enforced in the three Dutch public entities in the Caribbean instead of starting from the European Dutch legislation - has now been abandoned and given way to the policy of "*comply or explain*".

A simple search on wetten.overheid.nl reveals that currently 582 laws or regulations are valid exclusively on Bonaire, St. Eustatius or Saba. According to the current policy, these should all be examined with the criterion "*why is this regulation different from the corresponding regulation in the European Netherlands*". A difference in - for example - the nature of the municipal administration (as a result of which a BSN does not naturally exist in the BES region) does not seem to me to be "substantially different" because it has been a human, arbitrary choice not to streamline the municipal administrations with the other (European) Dutch municipalities.

The main reason to bring this aspect to your attention concerns the laws and regulations in the social domain in which the discussion about the (indicative benchmark for the) social minimum in the Caribbean Netherlands also takes place. There is no regional social minimum in (European) Netherlands so also not for the Caribbean Netherlands. In my view, therefore, there is actually no room at all for a discussion on this subject. But yes, if the social minimum in (European) Netherlands would have to be followed in the Caribbean Netherlands then that has consequences for the minimum wage and various benefits in the Caribbean Netherlands. Of course, if the minimum wage would go up significantly, the labor costs for employers will increase substantially. Precisely this fact seems to be an important reason for the Hague departments to stick to the Caribbean social minimum. So the

¹ I expressly use the word "or" here because differences may also exist between the regulations on the three Caribbean islands. After all, they are three separate public entities.

entire population in that case suffers discrimination because employers have to make a relatively large sacrifice.

Then I note two things about this. First, I do not see any special compassion for the employers in the European Netherlands when determining the social minimum either, and second, I think it is fundamentally wrong to "keep the group of employers out of the wind" by deliberately keeping the income of the entire population in the Caribbean Netherlands low. In my opinion, you cannot explain this in any other way than as institutional discrimination.

If the employers in the Caribbean Netherlands indeed have to make a significant sacrifice to make this step possible - let an independent study show this! - then surely there are fiscal means or additional arrangements otherwise to meet the resulting shortfall for them (the employers).

Speaking of fiscal measures, if the Caribbean Dutch income tax were to become European Dutch then the 'flat fee' rate disappears in favor of the progressive increasing rate which is of course much fairer. Income inequality is currently significantly higher in the Caribbean Netherlands than in the European Netherlands (as evidenced by the annual data provided by CBS). It is really not just the bright sunshine that attracts the better-off Dutchman to Bonaire: fiscally, that Dutchman is much better off. To be willing to see this and link measures to it undoubtedly requires some political courage on the part of administrators and parliamentarians; after all, cutting into one's own flesh always hurts a little.

I conclude by saying that I have been far from exhaustive. I therefore advocate that the individual departments, in consultation with the island councils on the three islands (which represent the population), come to a reorganization of the aforementioned 582 regulations. Which ones deserve to really continue as island regulations and why (explain) and which ones can better be replaced by the (European) Dutch equivalent (comply).

My request: partly with your pressure on politicians in The Hague, let the discrimination in (among others the social domain of) the Dutch Caribbean disappear! Thank you in advance for your attention and your activities.

With kind regards,

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cc: *National Ombudsman*