

The Hague, March 19, 2023.

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

Now that the provincial elections are once again behind us, and the 'difficult discussions and dossiers' await continued discussion in renewed daylight, I ask your attention for the policy area of 'Kingdom Relations'. After all, in terms of size and importance it may be a somewhat desolate policy area, but people also live in the Caribbean Netherlands (i.e. Bonaire, St. Eustatius and Saba), Dutch people to be precise.

When it comes to choosing roe or spawn, it is striking that this administration regularly wants to eat from different sides which involves taking so-called 'goat paths'. More than once this exploration proves unsuccessful and the only thing that is then achieved is a still unsolved problem that has to wait longer for a (real) solution; often a choice that is pushed forward further in time like a hot potato.

When I read about the Caribbean Netherlands - for example, in the volume "In the Service of Law," the article *Living Together in the Kingdom. Living apart together? The accession of Bonaire, St. Eustatius and Saba to the country of the Netherlands from a legal historical perspective*<sup>1</sup> from June 2017, especially the last pages: "4. Closure" - then I read that the appointment of these new Public Entities also struggled with their formation. I quote from referred article: *a hybrid accession, characterized by a curious mixture of two disparate approaches: integration and association.*

The birth of the Public Entities took place on October 10, 2010. In 2015, there was the evaluation of the formation of the Caribbean Netherlands by the Spies Commission, which found, among other things, that poverty had grown. And now it is 2023 and still the differences between the Caribbean Netherlands and the European Netherlands are large (generally to the detriment of the Caribbean Netherlands).

I would like to submit to you that the little progress made in the development of the Caribbean Netherlands is mostly due to the double mindedness mentioned above. The Council of State noted on the occasion of the introduction of the Public Entities: *It already follows from the special nature of the constitutional position and the specific characteristics that Dutch law will not be able to be applied in full to the three associated islands, although after a transitional period this will have to be the main rule.* Thirteen years after the creation of the three Public Entities, it is as yet unclear when the said "main rule" will take shape. In other words: the government keeps moving forward....

Through your Commission I would like to urge the Cabinet to work on the aforementioned "main rule". Declare all laws as valid in the European Netherlands applicable in the Caribbean Netherlands with due consideration of the exceptional position that each of the three islands can take based on article 132a paragraph 4 of the Constitution. Make it a condition that the motivation for these exceptions (namely circumstances that are essentially different from those in the European Netherlands) are

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<sup>1</sup> See [https://www.jhtm.nl/statia/bibliotheek/InDienstvanhetRecht\\_VandenBerg.pdf](https://www.jhtm.nl/statia/bibliotheek/InDienstvanhetRecht_VandenBerg.pdf)

specifically mentioned in these island laws *and* that these exceptions are agreed upon in consultation (between the European Netherlands and - the Island Council of - the concerning island).

In any case, a good information/guidance team must be ready to guide this process. This because of the knowledge gap that the islands have in comparison with the often hardened departments in The Hague. A considerable amount of time is anticipated to identify that specific legislation or regulations are required for one or more of these three islands.

Yours sincerely,

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cc: *National Ombudsman*

Afterword: In response to recent developments, four comments of various kinds,

1. I read of the possible vote-rigging that allegedly took place on St. Eustatius. Before being too judgmental/blaming about that, it might be good to consider the role that the agricultural supply companies have had and the role that politicians have played in that, in the *veni vidi vici* developments of the BBB.
2. I read that the Public Entity of St. Eustatius is appealing the judgment regarding the compensation of the hotel owner due to the risk of erosion damage to the Orange Bay hotel (loss of income due to forced closure). Isn't this a bit hypocritical when the Public Body first does not share with the public the reports indicating this risk? Any observer can consider here that where the Public Entity first recognized risks (and "thus" glossed over the reports) now suddenly seems to downplay those same risks and does not want to know any harm from any prince.
3. This bill emphasizes laws and regulations while recognizing enforceability and enforceability as the Achilles' heel in this operation. However, this is true on both sides of the ocean. After all, not only in Bonaire is there the Chogogo case, also in St. Eustatius there is the Golden Rock resort where failure to grant or antedate permits and looking away from violations was the rule rather than the exception. And all this is very well known to politicians in The Hague, especially in CDA circles.
4. Without giving the impression of being exhaustive in my observations, I note in any case that the 2018 inspection report with appendices (on the functioning of the hospital in St. Eustatius) has been taken down from the hospital's website (as well as that of MinVWS). Transparency is simply not a strong point of the authorities of St. Eustatius (nor of those of MinVWS).