

The Hague, June 22, 2023.

Dear Chairman and members of the Kingdom Relations Committee of the TK and EK,

Unfortunately, the meetings of the Committee on Kingdom Relations of the Tweede Kamer on *comply or explain* and on *monitor broad welfare in the Caribbean Netherlands* (of June 20 and 21, respectively) did not take place. As you know, I am a frequent follower of your Committee in the Lower House via the Internet or in person and I would have loved to have been there.

The difference in social welfare (between there and here) cannot be brought to the attention often enough, although one would expect that the equalization of the Social Minimum (and thus also the benefits) could finally be achieved. Especially now that an increase of AOW and other benefits will take place in the European Netherlands on July 1, and the Caribbean Netherlands once again appears not to be included. It is unimaginable that - by way of example - something does apply in Breda but not in Tilburg: too crazy for words; but if the municipalities are in the Caribbean Netherlands, it suddenly seems a lot easier to act differently than if they were European Dutch municipalities. Concepts such as 'arbitrariness' and 'discrimination' demand priority attention in my head and in my perception red flags, horns and bells are going off everywhere, but the Kingdom Relations Commission apparently does not give a damn. Indeed, preparatory talks are simply cancelled. Now I would also think that when the Ministry of the Interior and Kingdom Relations provides the information on *comply or explain* the bias is ingrained in advance (something about butchers and judging one's own meat). *Why isn't such education provided by a professor of constitutional law?*

I have made the point before but I sincerely wonder how the laws (which have now gone into consultation and deal with the BSN and WOLBES/FINBES) relate to the Constitution in which all Dutch citizens should be treated equally in equal cases (*why is there such a thing as a WOLBES/FINBES in the first place if the islands count as Dutch Municipalities?*). Since 10-10-10, the inhabitants of Bonaire, St. Eustatius and Saba (collectively: BES) are all "Dutchmen" in the sense that these Caribbean Dutchmen should have the same legal context as you and me.

In fact, the Caribbean Dutchman enjoys even slightly more freedom because the Constitution gives the legislature room to make its own legislation for the public body if circumstances are *substantially* different from those in the European Netherlands. In my opinion, *substantial* differences are such that with the best will in the world they cannot be made equal. So certainly not every difference that happens to be there because people have decided to do so is substantial in nature!

And then there is another point to consider: where BES suggests that the three islands are equal, I believe it is the case that each of the three separate islands is a separate "public body" of its own, for which consideration would have to be given each time. If I read and understand the (Constitutional)

law correctly, for the Caribbean Netherlands you have the European Dutch laws and other legal regulations PLUS three sets of island laws and regulations in the exceptional cases (which therefore have to be substantive in nature).

And we have been making up for thirteen years why it is not so simple with which the legislature keeps getting stuck in the quagmire and sticking to discrimination at the government level. Among other things, the insistence on a Caribbean social legislation and a continuous bickering about a different Social Minimum than applicable in the rest of the Netherlands concerns, in my opinion, a "goat's path" with which the differences (and thus discrimination) are condoned or even defended by the government. *When will someone stand up and say "the emperor is naked" (as in Hans Christian Andersen's 1837 fairy tale: "the emperor's new clothes").*

Just before their departure from Schiphol I spoke with members of the Island Council of St. Eustatius and once again found that despite fine words they are not seriously consulted but that bills are simply strewn over their heads. In any case, this Island Council is not involved in the current proposals currently under consultation.

In the year in which slavery is so emphatically commemorated and eradicated from our world of experience, such an outrageously discriminatory action of the government is not appropriate! *I call on parliament to respect and perfect the inclusion of the Caribbean Netherlands.*

If I am wrong in my thinking: please explain it to me!

Yours sincerely,

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cc: *National Ombudsman*