

The Hague, June 25, 2023.

Dear Members of the House of Representatives and Senate,

By way of further introduction of myself, I have lived and worked on St. Eustatius for eight years (2014-2022). During that period, I have closely witnessed and followed the takeover of power in 2018 (by the NL government, represented in this by the State Secretary of MinBZK) since then.

Since 2018 there has only been unilateral decision-making (by The Hague) without input from the local population (or: the Island Council). Prior to the NL intervention, the Commission of Sages identified all kinds of things, including shortcomings on the NL side. A vision of the government on how to deal with the Caribbean Netherlands in the future was missing (the Commission of Sages noted) and it is still missing! The progress of the administrative intervention on St. Eustatius is assessed as "worrisome" by the Court of Audit.

There is now the guideline 'comply or explain' under which - in my opinion - should be understood that policy that applies in the European Netherlands also applies to the Caribbean Netherlands unless you can explain well why it should be different. This freedom does not just apply but is sharply limited by the Constitution. Article 132a paragraph 4 of the Constitution reads as follows: *For these public entities rules can be established and other specific measures can be taken in view of special circumstances by which these public entities are essentially distinguished from the European part of the Netherlands.* By 'these public entities' is meant the three public entities of Bonaire, St. Eustatius and Saba (together also referred to as BES Islands, or the Caribbean Netherlands).

*Note: The June 23, 2023 parliamentary letter on the application of the "comply or explain" principle consists of six pages while the Constitution article I cite above contains only one sentence. Even after reading the letter, I look around and see all kinds of differences between the European and Caribbean Netherlands that cannot simply be explained by substantial differences (e.g., climate) and a lot of veiled language (think 'equal' (NL: gelijkwaardig), where Article 1 of the Constitution simply uses the term 'equal' (NL: gelijk)).*

What we see is that the legislature interprets the Constitution broadly in this context. For example, there is a difficulty about the BSN for the Caribbean Dutchman while for the European Netherlands this is simply a given, which is already not considered further. After a very long time, special BES regulations are now being put together, while nothing else has to be realized than what already exists in the European Netherlands. *So do not make something extra but declare the existing also applicable for the Caribbean Netherlands.* The same applies to the Social Minimum: *a Social Minimum for the Caribbean Netherlands?* Not at all necessary because for the (European) Netherlands such a thing has long been regulated (*nor regionally differentiated*).

I could give a series of more examples here (I'm thinking for now, for example, of inferior health care and overpriced public - intra-island - (air) transport), but that's not very useful; I'd just prove incomplete

anyway. The main issue now is that you (as co-legislator, alongside the government) are contributing to institutional discrimination by considering the Caribbean Netherlands a second-class country while the Caribbean Dutchman is just as Dutch as you and me.

Two caveats to this:

- The Caribbean Netherlands has less than 30-thousand inhabitants (comparable to a small Dutch municipality): about 22-thousand on Bonaire, about 3-thousand on St. Eustatius and about 1-thousand on Saba.
- I have been corresponding on this (and related topics) with the Committee on Kingdom Relations (of the TK and EK) for quite some time, but I believe that these committees are increasingly less interested in the topic and thus this inequality (discrimination) festers on.

It is for this reason that this time I call upon all members of the Lower and Upper Houses of Parliament to denounce the institutional inequality between the Caribbean and European Netherlands (mainly along the lines of equalizing laws and regulations, and less focused on making specific exception regulations). And if laws and regulations are needed, they could be different for each public body (island) rather than at the 'BES' level (*one size fits all* is not the right approach here).

Whether it is the domain of public transportation, health care, postal services, tax regime, currency or whatever (again, I do not want to be exhaustive here): the non-necessary differences between the two Netherlands should be eliminated! I think so, *but if you sincerely take your role as co-legislator, you think so too!*

Possibly needless to say: this implies not only good thinking in The Hague, but also good and respectful consultation (with especially a listening ear).

I would like to see corrective (and especially deregulatory!) measures taken. The Constitution speaks of substantial differences. So not just any difference (between Caribbean and European Netherlands; as an example the BSN that still does not exist in the Caribbean Netherlands as a result of different administrations in both Netherlands) that just exists: what differences can be removed, must be removed (instead of *deliberately* maintained)!

Yours sincerely,

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cc: *National Ombudsman*