

The Hague, July 19, 2023.

Dear members of parliament,

Today I read on [dossierkoninkrijksrelaties.nl](http://dossierkoninkrijksrelaties.nl) that the Council of Ministers has approved the Amendment Act SZW laws BES. Its purpose would be to improve the security of existence in the Caribbean Netherlands by bringing the social security system and leave regulations in the Caribbean Netherlands to a level that is more in line with that of the European Netherlands. The decision list of the Council of Ministers would state: *This against the background of an equivalent (and not necessarily uniform) level of provisions with an interpretation appropriate to the context of the Caribbean Netherlands.* It is stated that the bill will first go to the Council of State. This motivates me to offer this letter in cc: to the Council of State.

Let us preface that I am not a lawyer but - in my own estimation - I have a reasonably developed sense of justice. In my experience, the Constitution is the guideline along which the legislature makes laws. Continuing along this line of thought, I read paragraph 4 of Article 132a of the Constitution: *For these public entities rules may be established and other specific measures may be taken in view of special circumstances by which these public entities are essentially distinguished from the European part of the Netherlands.* Here, "these public entities" means the islands of Saba, Bonaire and St. Eustatius.

Then in the decision list of the Council of Ministers I see words like equal ('gelijkwaardig'), not necessarily equal ('gelijkvormig') while the often cited article 1 of the Constitution simply speaks of equal ('gelijk'). It seems to me that in the Council of Ministers words are being juggled in order to still 'keep' the Caribbean Netherlands different from the European Netherlands (specifically: *less*). This is about social security and with the best will in the world I do not see here the *special circumstance* that characterizes the *essential difference* between the European and Caribbean Netherlands. I would like to challenge you to convince me of the contrary or - if you agree with me - to also make that clear to the Secretary of State. In my experience it is as if two municipalities in the Netherlands are being measured differently with regard to social security: non-existent in your and my eyes!

Kind regards,

J.H.T. (Jan) Meijer MSc MBA,  
Cornelis Houtmanstraat 9-b,  
2593 RD The Hague.

T +31 6 31 79 58 57 (for SMS and WhatsApp)

E [jhtm.nl@gmail.com](mailto:jhtm.nl@gmail.com)

W <http://statia.nu> of <http://statia.nu/nl>

cc: Council of State, National Ombudsman