

The Hague, May 2, 2024.

Dear members of the Kingdom Relations Committee,

I would like to discuss with you the policy principle "comply or explain". This of course in the context of legislation in the Caribbean Netherlands. The country 'the Netherlands' consists of a European part and a Caribbean part; the latter includes the three public entities Bonaire, St. Eustatius and Saba. This division exists since October 10, 2010, the date of the dismantling of the country 'Netherlands Antilles'; since said date, the Kingdom of the Netherlands knows four countries: in addition to 'Netherlands' we distinguish 'Curaçao', 'Aruba' and 'St. Maarten'. As said, the three remaining (smaller) islands together form 'Caribbean Netherlands' and in addition to 'European Netherlands' this whole is called the country 'Netherlands'. And although the Constitution recognizes exceptions (see Article 132a, paragraph 4), the basic rule is that legislation applies universally in both Netherlands. And while I like to keep it simple, reality is somehow somewhat unruly.

Paragraph 4 of said article in the Constitution reads - with respect to the special municipalities of Bonaire, St. Eustatius and Saba - as follows: "*For these public entities, rules may be laid down 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*". From this also flows the current policy of 'comply or explain': everywhere Dutch law applies unless special circumstances are present as a result of which on Bonaire, St. Eustatius or Saba a certain rule should not be interpreted or should be interpreted differently. So far, 'comply or explain' is a fairly straightforward policy principle. A rather clear example for me concerns the regulation ('bouwbesluit') that a house has a certain minimum of glass surface, as well as requirements regarding (central) heating. With a tropical climate in the Caribbean Netherlands, those requirements are not one-to-one applicable or enforceable. For the rest, I believe that what is applicable in the legal area of, for example, Vlieland also applies in Amsterdam. These two locations were chosen *at random*; in other words, all locations in European Netherlands are identical as far as the legal infrastructure is concerned.

What I do not understand very well now is that - even after years after the 2010 decision - so many aspects are left out of the "Dutch" laws and regulations. Take the Social Minimum: a special committee has been charged with this subject to come up with an advice for the 'right' level. One Social Minimum applies to the entire (European) Netherlands, regardless of the quite existing socio-economic differences in the distinctive regions of the country (e.g. Randstad, Achterhoek, Zuid-Limburg, Oost-Groningen, Wadden Islands, etc.). And then suddenly there should be a commission for the Caribbean Netherlands with three levels (all lower than in the European Netherlands, one per public body [*why this difference per island?*]). In the pursuit of one "country", this movement is naturally aimed at introducing second-class Dutchmen alongside first-class Dutchmen. Many developments point in that direction, too many to mention here (exhaustively). Why is the island council not composed in the same way as the city council in a European Dutch municipality? Why is there (still) no unemployment benefit? Why is there no uniform AOW benefit for both Netherlands? Does the Netherlands belong to

Europe (both parts: European and Caribbean)? I am AOW'er and I have lived and worked on St. Eustatius for eight years: I am having my AOW reduced because at that time (2014) I emigrated 'abroad' (?)... For my spouse it is even more painful: 'moved' before her AOW age applicable in the European Netherlands but at the same time older than the AOV age applicable in the Caribbean Netherlands: AOW reduced, no AOV benefit. That there are *initial* differences seems explainable to me, but the "enthusiasm" to eliminate those differences - now fourteen (!) years after 2010 - is not great. I experience that as (institutional) discrimination.

To illustrate: suddenly it is called "high time" for the introduction of equal treatment legislation in the BES islands. *Why only that legislation...?*

Another example: with some fuss, the mortgage guarantee is being introduced on Bonaire. *Why only on Bonaire...?*

I would like to ask for your understanding and support in getting the government to eliminate the differences between the European Netherlands on the one hand and the Caribbean Netherlands on the other as soon as possible. The obligation to indicate that certain legislation is (also) applicable to the Caribbean Netherlands is such a delaying tactic: of course legislation is applicable to both Netherlands and some legislation is only applicable to the various public entities in the Caribbean (*in principle at the indication of the public entity itself!*).

Kind regards,

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