

St. Eustatius, January 16, 2022.

Dear Chairman and Members of the Kingdom Relations Committee,

Through the news supply by [dossierkoninkrijksrelaties.nl](https://dossierkoninkrijksrelaties.nl) I was informed about the developments regarding the benchmark for subsistence security on the BES islands <sup>1</sup>. A by now reasonably institutionalized construct (not to say monstrosity) to be able to define the benefits as AOV and 'onderstand' (note: a different choice of words than the European Dutch equivalent AOW and 'bijstand', so that - at least legally - you can more easily say "*of course the amount of this benefit is different, because it is also a 'different' benefit*"). That in practice these benefits are again lower than the defined benchmark seems to me factually impossible and thus nonsense but with some flour in the mouth talking about both income and costs has so far succeeded in convincing the interlocutor (you!) that the calculations are made with the best intentions (read: ...to give the interlocutor a run for his money).

To the question what is the social minimum, the website of the national government gives the answer "the social minimum is the minimum amount you need to support yourself". This minimum is usually (?) as high as a social security payment. And when I look at the UWV website for the current values of the social minimum I see a further specification by age and living situation. In any case not by region. So - by way of example - there is no different social minimum for someone living in the Randstad than for someone living in Groningen, Twente, Limburg or Zeeland.

*Note: I added the question mark. I was wondering in which cases this minimum is not as high as a social security benefit.*

With the Constitution in hand, looking at both Article 1 and Article 132a (4), I think that the construct "benchmark of subsistence security for the Dutch Caribbean" is de facto discriminatory. After all, Article 1 says "*All persons in the Netherlands shall be treated equally in equal cases*" (the Netherlands consists of a European and a Caribbean part) and Article 132a (4) says "*For these public entities rules may be laid down and other specific measures taken with a view to special circumstances that make these public entities substantially different from the European part of the Netherlands*".

I have argued before that the discussion (probably) focuses on "the special circumstances, by which the public entities are essentially different from the European Netherlands". Do you want to see these in a narrow sense (such as a tropical climate with hurricanes versus a mild maritime climate), or is everything that is only slightly (i.e. not essentially) different a reason to proceed differently (discriminating).

*Note: With respect to the meaning of Article 132a (4) of the Constitution, I think the Council of State should be asked for its opinion. I have argued this before, but that aside.*

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<sup>1</sup> <https://dossierkoninkrijksrelaties.nl/2022/01/14/nog-geen-cijfermatige-onderbouwing-voor-realiseren-bestaansminimum-op-bes-eilanden/>

In the progress report on this benchmark (the discussion on a benchmark has been going on since 2018!) dated June 14, 2021, I read that following the outcomes of the advisory report without further ado would lead to a substantial increase in the statutory minimum wage and benefits, and that could have a negative effect on labor demand, the regional competitiveness of the islands and the carrying capacity of the economy. It occurred to me "how is the social minimum actually determined in the Netherlands? Also taking into account the labor demand, the competitive position compared to other European countries and the carrying capacity of the economy?". Every new incoming Dutchman can furthermore confirm the cost level on St. Eustatius is rather high and it will be politically undesirable if the benchmark is set too high....

My plea is based on one simple premise: "The Caribbean Netherlands is - just like the European Netherlands - one side of the same coin: the country of the Netherlands". With the same laws (including the Constitution) and - specific to a public body - specific laws as far as the circumstances are *essentially* different from those in the European Netherlands. I am convinced that there will be far fewer of these than the 600 that I currently find in <https://wetten.overheid.nl> with exclusive validity on the BES islands.

Without wanting to take everything at face value, it seems to me - in the interest of all Statians, or more broadly: in the interest of all Dutch Caribbean citizens - smart, in relation to social benefits, to also use the Euro as the local currency in the Dutch Caribbean (and - but that was already clear - unambiguous Dutch laws and regulations around the social minimum and the related benefits). And also to bring the legislation and regulations for the income tax of the Caribbean Netherlands in line with those of the European Netherlands. In the Caribbean Netherlands a so-called 'flat fee' applies, while in the European Netherlands a progressive income tax rate applies. As a result, the Gini factor in the Dutch Caribbean - a measure of income inequality - is about 30% higher than in the European Netherlands.

I wish you much wisdom.

With kind regards,

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*Cc: Chairman and members of the Social Affairs and Employment Committee  
National Ombudsman  
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