

St. Eustatius, July 9, 2022.

Prof. Dr. G.B.M. Engbersen,
Chairman Committee Social Minimum,
E-mail: engbersen@essb.eur.nl

Dear sir,

It is with interest, and also with joy, that I note the establishment of an *independent* committee on the social minimum.

More than once - more rule than exception - the Netherlands is exclusively used to refer to the European part of the country. This while the Caribbean Netherlands also explicitly belongs to that same country, the Netherlands.

The latter is clear from article 132a paragraph 4 of the Constitution which states for the Public Entities in the Dutch Caribbean (for these are the islands of Saba, St. Eustatius and Bonaire) that rules *may be established and other specific measures taken in view of special circumstances that make these public entities substantially different from the European part of the Netherlands*.

The fact that article 1 of the same Constitution states that *all persons in the Netherlands shall be treated equally in equal cases*, needs no explanation.

So much for my "coat rack" for the thought process. With regard to social legislation and regulations, I think I see a generic approach: a social minimum is there for the whole of the Netherlands and not a social minimum for - for example - the Wadden Islands, the Randstad, Twente or South Limburg. So when the discussion about the social minimum in the Dutch Caribbean takes place in parliament again, I always think: "stop it, the Dutch Caribbean is also the Netherlands".

At the same time I take note of what the website [NederlandRechtstaat.nl](https://www.nederlandrechtstaat.nl)¹ states, where among other things it is argued that socio-economic differences apparently justify a different level of AOW between the Caribbean and European Netherlands. Also a difference in the levy of income tax between the

¹ <https://www.nederlandrechtstaat.nl/grondwet/inleiding-hoofdstuk-7-decentralisatie/artikel-132a-caribische-openbare-lichamen/>

European and Caribbean Netherlands is considered justified. It seems to me that under the motto of "comply or explain" a simple reference to "socio-economic differences" is a touch too global to justify the chosen direction. After all, how can it be that the income inequality in the Caribbean Netherlands is greater than in the European Netherlands (for substantiation, see the annual "Trends in the Caribbean Netherlands" published by the CBS) while the same tax rate - 'flat fee' - applies to practically everyone in the Caribbean Netherlands? It seems to me that here the strongest shoulders do not automatically carry the heaviest burden.

So far some thoughts from my side. I would like to contribute ideas in this area, but at the same time this is precisely why your Commission was established. The most important signal I would like to send to you: *please also take the Caribbean Netherlands into consideration*. Up until now we have to work with theoretical benchmarks that are higher than the currently used benefits (with which the poverty in the Dutch Caribbean is certainly not fought!). And the unwillingness of the government to do anything about this in the short term. In a certain respect I see the formation of your committee - although I applaud it in principle - again as a delaying activity to avoid spending money on the Dutch Caribbean in the short term.

I would like to see your committee take an 'inclusive' approach to the issue and include the Caribbean Netherlands in its domain. To this end I am adding two appendices to this letter:

1. the explanatory memorandum, belonging to the constitutional amendment regarding article 132a;
2. the column by Sheila Sitalsing in de Volkskrant of July 9, 2022.

In conclusion, I wish you and your committee members much wisdom and decisiveness. This is in all our interests!

Kind regards,

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