



**ST. EUSTATIUS
CARIBISCH NEDERLAND**

**The Council of Ministers of the Kingdom of
the Netherlands**

**Attn. The Prime Minister, Hon. Mark Rutte
Binnenhof 19 | 2513 AA | The Hague
P.O. box 20001 | 2500 EA | The Hague
The Netherlands**

Ref.: 0001/17

January 4, 2017

Subject: formal petition against embedding of public entity Sint Eustatius in the Dutch constitution

Dear Sir,

In carrying out the attached motion of the Island Council of November 30th, the Executive Council is hereby presenting the government of the Netherlands with the following formal petition.

Grievance

The Dutch government has unilaterally started the process of embedding the public entity of Sint Eustatius in the Dutch constitution. Such action, as was the establishment of Sint Eustatius as a public entity on October 10th, 2010, is in violation of Dutch law, which by virtue of its inclusion of-, and relation with the international legal order, protects the people of Sint Eustatius' right to freely express their right to self-determination and choose their political status.

Material facts

- The majority of the world community represented in the UN in 1954 was not convinced that the Dutch colonies Suriname and the Netherlands Antilles had achieved a full-measure of self-government with the enactment of the Kingdom Charter in 1954;
- The Netherlands was unjustly relieved of its obligation to report on its overseas territories by means of GA resolution 945
- Resolution 945 does not affirm that the former Netherlands Antilles had received a full measure of self-government under Article 73 (b). It merely removed the requirement of the Netherlands to regularly submit information regarding its colonies to the UN under Article 73 (e). It preserved the UN authority to decide whether a Non Self Governing Territory (such as



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the Netherlands Antilles then and Sint Eustatius now) has attained a full measure of self-government.

- Said UN authority comes in the form of resolutions adopted by the Committee assessing Resolution 742 VIII (Review of the Kingdom Charter under Article 73 of the UN Charter) declaring that Resolution 742 only related to Article 73 (e) and that Articles (a) to (d) of Article 73 remain in force.
- It is clear that the Committee looking into this matter was of the view that decolonization of the Netherlands Antilles remained incomplete and the UN remained authorized to review the situation under Article 73;
- Resolution 945 clearly establishes the competence of the General Assembly in the matter of deciding if a Non Self Governing Territory (which includes Sint Eustatius) has attained full measure of self-government.
- Constitutional and other developments, as well as statements by public and academic authorities within and without the Dutch Kingdom since 1954 have convincingly established that the Kingdom Charter did not result in a full measure of self-government for the current Dutch overseas territories and needs to be structurally revamped if such objective is to be achieved;
- The peoples of the overseas territories Bonaire, Curaçao, Saba, Sint Eustatius, and Sint Maarten have all expressed their inalienable right to self-determination during the plebiscites held in 2004, 2005, 2010, 2014, and 2015, thus prior to and after the new constitutional order within the Kingdom of the Netherlands which took effect on 10-10-'10;
- Said new constitutional order has led to (more) discontent among the peoples of the Dutch overseas territories, as confirmed in the evaluation report of the "Spies Committee", and further exposed the mentioned democratic deficit within the Kingdom of the Netherlands;
- The results of the UN- observed referenda on the islands of Bonaire (2004, 2010, and 2015) and Sint Eustatius (2005 and 2014) clearly indicated that the populations of the islands did not freely choose their current constitutional relationship with the Dutch Kingdom in accordance with the UN Charter and GA resolutions;
- In light of the UN observed referendum on December 17, 2014, in Sint Eustatius there were reports of irregularities, despite the overwhelming choice for "Autonomy within the Dutch Kingdom";
- The current status of the Dutch overseas territories is not in compliance with the UN Charter, applicable GA resolutions, and international constitutional laws and conventions;
- The official position of the Dutch Government on the evaluation report of the Spies Committee is a further violation of the right to self-determination of the people of Sint Eustatius.



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Relief sought

Considering the material facts presented herein, the Executive Council, being the competent executive body of the public entity Sint Eustatius tasked with preparing a detailed and concrete plan of action for achieving full autonomy in free association with the Netherlands, in accordance with the relevant Island Council degrees, with the support of civil society organizations Brighter Path Foundation, Pro Statia and Nos Ke Boneiru Bek, urgently calls on the governments of the Kingdom of the Netherlands and the Netherlands to immediately cease the unilateral process of embedding the public entity of Sint Eustatius in the Dutch constitution, and commence consultations with the government of Sint Eustatius aimed at the public entity achieving full internal self-governance by means of free association with the Netherlands, in accordance with the expressed wishes of the people of Sint Eustatius, and the international legal order, also aware of reports of irregularities surrounding the December 17, 2014 constitutional referendum in Sint Eustatius, strongly urges the release of the UN report on the 2014 referendum results to the Government of Sint Eustatius.

Sincerely,

On behalf of the Executive Council of the public entity Sint Eustatius,

The Acting Island Governor

Mr. J.C.A. Woodley

The Island Secretary

Mr. K.A. Kerkhoff



Cc: The minister of the Interior and Kingdom Relations
The Island Council of Sint Eustatius
The House of Representatives of the Parliament of the Netherlands
The Senate of the Parliament of the Netherlands
The Island Councils and Executive Councils of Saba and Bonaire
The Parliaments and Councils of Ministers of Aruba, Curaçao, and Sint Maarten
The Council of State of the Kingdom of the Netherlands
Pro Statia
Brighter Path Foundation
The Governments and Parliaments of the member-, and associate member states of CARICOM, the OECS, and the ACS
The Latin American Parliament Parlantino
The United Nations Special Committee on Decolonization



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The United Nations Committee on Economic, Social and Cultural Rights

The Alliance of Small Island States

The Netherlands Institute for Human Rights (College voor de rechten van de mens)

Dr. Carlyle Corbin