



Kingdom of the Netherlands: One Kingdom – Four Countries; European and Caribbean

The Kingdom of the Netherlands consists of four autonomous countries: the Netherlands, Aruba, Curaçao and St Maarten. The latter three are located in the Caribbean. The country of the Netherlands consists of a territory in Europe and the islands of Bonaire, Saba and St Eustatius in the Caribbean. The Kingdom of the Netherlands therefore has a European part and a Caribbean part.

Aruba, Curaçao and St Maarten are not overseas dependencies of the Netherlands, but instead autonomous partners within the Kingdom, alongside the country of the Netherlands. Bonaire, Saba and St Eustatius have the status of public bodies (within the meaning of the Dutch Constitution). In broad terms, their position is similar to that of Dutch municipalities, with adjustments for their size, distance from the European part of Netherlands and geographic location in the Caribbean region.

The current constitutional structure came into effect on 10 October 2010. Previously, Bonaire, Curaçao, Saba, St Eustatius and St Maarten constituted a single autonomous country within the Kingdom: the Netherlands Antilles. This country ceased to exist on 10 October 2010. By that time Aruba no longer belonged to the Netherlands Antilles, having become an autonomous country within the Kingdom in 1986.

Only the Kingdom of the Netherlands can be considered a State. Only the Kingdom – not the individual autonomous countries or the public bodies – has international legal personality.

Division of competences

The 1954 Charter for the Kingdom of the Netherlands is the constitution for the Kingdom as a whole and lays down the division of competences between the Kingdom of the Netherlands and its four autonomous countries. All areas are considered to be internal competences of each of the autonomous countries unless the Charter explicitly states otherwise.

Article 3 of the Charter specifies which areas are considered 'Kingdom affairs'. These areas include foreign relations, defence and Dutch nationality. Consequently, there is one Minister of Foreign Affairs who has ultimate responsibility for the foreign relations of the Kingdom as a whole and for incorporating the interests of all four autonomous countries in the Kingdom's foreign policy to the best extent possible. The Ministry of Foreign Affairs and the embassies, consulates and missions abroad work for the Kingdom as a whole and all its constituent parts.

Aruba, Curaçao and St Maarten maintain their own international contacts in the areas in which they have autonomous responsibilities. However, when pursuing these international contacts they must operate within the framework of the Kingdom's foreign policy, since foreign affairs are a competence of the Kingdom. Diplomatic communications are transmitted through the Ministry of Foreign Affairs or one of the Kingdom's embassies abroad.

Each of the autonomous countries has the obligation to promote the realisation of fundamental human rights and freedoms, legal certainty and good governance; this is primarily their own, autonomous responsibility. However the safeguarding of such rights and freedoms, legal certainty and good governance is deemed a 'Kingdom affair'. As a consequence, the Kingdom can respond if an autonomous country fails to fulfil its duty adequately in this field. Whether this is the case is primarily to be assessed by the Council of Ministers of the Kingdom (see below).

International legal agreements and Memoranda of Understanding

Since only the Kingdom of the Netherlands is a subject of international law, only the Kingdom can conclude, ratify and accede to international legal agreements, such as treaties and conventions. However, the geographical applicability of these agreements may be confined to Aruba, Curaçao, St Maarten, the European part of the Netherlands and/or the Caribbean part of the Netherlands (the islands of Bonaire, St Eustatius and Saba). In other words, such agreements may be concluded by the Kingdom for one or more of its constituent parts. Treaty implementation and compliance is an autonomous responsibility of the individual countries, i.e. Aruba, Curaçao, St Maarten and the Netherlands (for the European and Caribbean parts of the Netherlands). Nevertheless, the Kingdom of the Netherlands remains accountable under international law as the Contracting Party. In areas in which the individual countries have autonomy, they can conduct negotiations themselves. However, the Kingdom must ultimately formalise the results, as it is the Kingdom that will become party to the international legal instrument concerned.

The individual countries are allowed to conclude Memoranda of Understanding (MoUs) in areas in which they have autonomy, as long as these MoUs do not infringe on the foreign policy of the Kingdom as a whole.

Internal structure of the autonomous countries

Aruba, Curaçao, St Maarten and the Netherlands each have their own government and parliament. These institutions are empowered to enact legislation related to the countries' own affairs. Kingdom affairs are addressed in the Council of Ministers of the Kingdom, which consists of the Ministers of the Netherlands and three ministers plenipotentiary appointed by Aruba, Curaçao and St Maarten.¹

Aruba, Curaçao and St Maarten each have their own foreign relations directorate or department, falling under the authority of the prime ministers of the respective countries.²

The Dutch public bodies Bonaire, St Eustatius and Saba have two tiers of government, i.e. a local authority and the central government of the Netherlands. Broadly speaking, central government has taken over the duties that were performed by the Antillean authorities until 10 October 2010. Each public body's local government is under the control of the local representative assembly, called the island council.

The implementation of the Netherlands' tasks on Bonaire, St Eustatius and Saba (and the associated support services) is the responsibility of the National Office for the Caribbean

¹ Cabinet of the minister plenipotentiary of Aruba: www.arubahuis.nl

Cabinet of the minister plenipotentiary of Curaçao: www.vertegenwoordigingcuracao.nl

Cabinet of the minister plenipotentiary of St. Maarten: www.kgmsxm.nl

² Foreign affairs department Aruba: www.arubaforeignaffairs.com

Foreign affairs directorate Curaçao: www.gobiernu.cw

Foreign relations department St. Maarten: www.sintmaartengov.org/government/AZ/Department-of-Foreign-Relations/Pages/default.aspx

Netherlands (*Rijksdienst Caribisch Nederland*), which is headed by the Kingdom Representative, who has an office on each of these three islands. The National Office represents all the Dutch ministries (apart from the Ministries of Defence and Foreign Affairs, which work for the Kingdom as a whole). In addition, the National Office implements the Minister of the Interior and Kingdom Relations' official tasks as the employer of all public servants on Bonaire, St Eustatius and Saba. As public bodies, these islands therefore have considerably less autonomy than the autonomous countries of the Kingdom; the government of the Netherlands plays a significant role in their internal affairs.

The Caribbean countries in the Kingdom work together to protect the independence of the judiciary, tackle corruption and cross-border crime, and maintain public order. A joint Court of Justice is responsible for the administration of justice in the Caribbean part of the Kingdom. The Supreme Court in The Hague is the court of cassation for all parts of the Kingdom.

Investigative and prosecutorial powers are vested in the procurator general. A single procurator general is in charge of the Public Prosecution Service for Curaçao, St Maarten, and Bonaire, St Eustatius and Saba. Aruba has its own procurator general.

The Kingdom of the Netherlands is involved in financial oversight of Curaçao, St Maarten and the three public bodies Bonaire, Saba and St Eustatius. A Financial Supervision Authority has been established for Curaçao and St Maarten to monitor the public finances, operating under the ultimate responsibility of the Council of Ministers for the Kingdom. A similar body has been set up for Bonaire, St Eustatius and Saba, under the auspices of the minister responsible for Kingdom relations. The underlying supervisory principles are balancing the budget, prudent financial management and a cap on contracting debt.

International organisations

It is the task of the Kingdom of the Netherlands to represent the interests of all its autonomous countries in international organisations, with the interests of the European part of the Kingdom being represented in accordance with obligations under EU law (see below). With the Kingdom's agreement, Aruba, Curaçao, St Maarten and the Netherlands (on behalf of the European and/or Caribbean part of the country) can also be assigned a status of their own within international or regional organisations. The internal rules of the organisation in question will determine whether the four countries can become separate members, associate members or observers.

Delegations of the Kingdom of the Netherlands to international meetings can consist of members from every autonomous country of the Kingdom, and be headed by a delegate from any of the four countries.

European Union

The Treaties of the European Union have been signed by the Kingdom of the Netherlands, but are only approved for the European part of the Kingdom. As a consequence, the EU *acquis* is, in principle, applicable only to the European part of the Kingdom. The Caribbean parts of the Kingdom of the Netherlands are listed as Overseas Countries and Territories (OCTs). This applies to both the autonomous countries Aruba, Curaçao and St Maarten and the public bodies Bonaire, Saba and St Eustatius. This status determines their legal position vis-à-vis the European Union. OCTs are merely associated with the Union. As a result of their OCT status, the autonomous countries and public bodies enjoy a number of benefits, for example regarding exports to the EU. In addition, they receive funding from various EU sources, for instance the European Development Fund (EDF). It should be noted that Bonaire, St Eustatius and Saba remained OCTs (rather than becoming Outermost Regions) when they became part of the country of the Netherlands in October 2010.

The Caribbean countries and public bodies promote their interests as part of the Association for Overseas Countries and Territories of the European Union (OCTA).

Citizens of the Caribbean parts of the Kingdom are Dutch nationals and thus have Dutch citizenship. Therefore, they enjoy the benefits of European citizenship and can, for example, vote in elections for the European Parliament.

Currencies

The euro is the official currency in the European part of the Kingdom. The US dollar is used on Bonaire, St Eustatius and Saba. Curaçao and St Maarten have a joint central bank and a common currency, the Netherlands Antillean guilder. However, it is also possible to use the US dollar on St Maarten. Aruba's currency is the Aruban florin.

For more information

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