



May 17th, 2021

Att: Parliaments and Governments of Aruba, Curacao, and St. Maarten

**Re: Urgent attention required to looming Constitutional Crisis in the Kingdom;
Urgent top summit of all six islands required.**

- A. Kingdom Charter now formally invalid**
- B. Time to make use of the Uruguay amendment in Resolution 945X of December 15, 1955**

Dear Honorable Ministers and Members of Parliament:

Introductory remarks:

With the collapse of Het Statuut as will be made clear below, the six islands of the former Netherlands Antilles remain firmly on the United Nations list of Non-Self-Governing Territories. (NSGT's) and under Article 73 of the UN Charter. All agreements signed with the Government of the Netherlands based on Het Statuut might be unlawful as they might lack legal basis. Liquidity support falls under the responsibility of the Netherlands as part of its obligations under Article 73 of the UN Charter. Governments might be unknowingly violating the UN Charter rights of the people of these islands by needlessly burdening them with loans and other harsh conditions. The islands are therefore urged to examine their status before entering into any further commitments. UN Charter rights belong to the people and may not be recklessly disregarded, especially now that this is being brought to light.

Government of the Netherlands admits the islands were never formally decolonized:

...Voor zover de Staat bekend, is er geen resolutie waarin letterlijk, met zoveel woorden wordt verklaard dat "Article 73 of the United Nations Charter can no longer be applied to the Netherlands Antilles". (Submitted by the Dutch State to the Court of First Instance on St. Maarten on April 23, 2021)

With that admission, the entire fabric of the Kingdom has become undone. For here the Dutch State admits that the Netherlands Antilles were never decolonized. If the islands were not decolonized they can never, lawfully, form part of any Kingdom of the Netherlands. The Kingdom Charter then becomes null and void because the working assumption underlying the Kingdom Charter has always been that the islands were decolonized. With the aforementioned admission, that assumption no longer holds, and Government and Parliament in complying with their constitutional obligations are obliged to bring this matter to the urgent attention of their ("Kingdom?") partners by holding an urgent inter-island summit.





Background to the debacle:

In a letter dated September 27, 2019, addressed to the “*Voorzitter van de Tweede Kamer*” Mr. Knops wrote:

1. ...Surniname en de Nederlandse Antillen werden verwijderd van de lijst van niet zelfbesturende gebieden (NSGT's) van de VN.
2. Thans, na een nadere juridische analyse van de materie is haar (Het Koninkrijk) positie dat artikel 73 VN Handvest sedert de totstandkoming van Het Statuut niet meer van toepassing is.

In light of these declarations, therefore, on February 15, 2021, Pro Soualiga requested the Minister of Foreign Affairs, under whose portfolio the Kingdom's UN representation falls, to provide the UN Resolution in which the UN declares:

Chapter XI (Art. 73) of the Charter of the United Nations can no longer be applied to the Netherlands Antilles.

On April 23, 2021, during a court hearing on the matter, the Minister of Foreign affairs by way of his legal representation informed the Court and Pro Soualiga that:

...Voor zover de Staat bekend, is er geen resolutie waarin letterlijk, met zoveel woorden wordt verklaard dat “Article 73 of the United Nations Charter can no longer be applied to the Netherlands Antilles”. (*Submitted by the Dutch State to the Court of First Instance on St. Maarten op April 23, 2021*)

The legal ramifications of that admission are far-reaching and have provoked a constitutional crisis for the following reasons:

Pro Soualiga knows, with 100% certainty that the UN never “verwijderd” the former Netherlands Antilles from the list. The islands were omitted from the list of NSGT's in 1963 due to an administrative oversight by the UN Committee charged with updating the list in 1963.

Secondly, as the Minister of Foreign Affairs confirmed, and Pro Soualiga knows from other sources, the UN never formally declared the Netherlands Antilles decolonized, therefore the islands are still formally on the UN list of NSGT.

Anatomy of the Crisis:

These two facts taken together mean that the Kingdom and, Het Statuut, do not have a legal basis, since the entire premise underlying the Kingdom Construct was that the islands were decolonized. As the UN did not declare that “*Chapter XI no longer applies*” there is no legal basis for removing them from the list of NSGT's and they, therefore, can never join any





“Kingdom”. The center no longer holds, and the entire fictitious “Kingdom of the Netherlands” has collapsed. The point in fact is, it never came into existence!

Urgent Summit:

The six islands of the former Netherlands Antilles, therefore, need to call an urgent top summit to discuss the way forward. The collapse of the Kingdom Charter means that the legal basis for Coho, indeed the entire legal basis for liquidity support has evaporated. The Kingdom of the Netherlands prides itself on being a “rechtstaat” so it cannot ignore this legal fact. On November 26, 2020, the Second Chamber adopted a motion calling on the Dutch State to take legal action against the Polish State because they believed that:

“de Poolse rechtsstaat hierdoor ernstig wordt bedreigd, terwijl de rechtsstaat het fundament van onze Europese Unie is.”

The Dutch State therefore cannot be concerned about affairs in Poland, while ignoring affairs within in its own borders.

Making use of the Uruguay amendment:

Fortunately, added to the UN Resolution 945X of December 1955 lies the Uruguay Amendment:

The representative of Uruguay had explained that he submitted this amendment because the Netherlands Antilles and Surinam were still not fully self-governing. The amendment was intended to offer the peoples of the Netherlands Antilles and Surinam “a safeguard, an opportunity of coming at a later date to knock at the door of the United Nations, should the need arise. (525th Meeting, p 315, viz. Hillebrink p. 224)

This amendment binds the United Nations General Assembly, legally and morally to receive a delegation of duly elected representatives of the six islands without the need of any sponsor nor the Netherlands Government, a unique and rare opportunity afforded to but a few. The time has arrived to seize that opportunity. To ignore an appeal to this amendment would deprive the United Nations of all moral authority which the UN would never tolerate. Once at the UN, the islands should respectfully request the UN to formally relist them as NSGT’s and proceed immediately to their decolonization, terminating, after 65 years, with a UN resolution which states: “Chapter XI can no longer be applied to the islands of the former Netherlands Antilles.”





Coda

We can appreciate that this information might appear quite new and confusing. Pro Soualiga can assure you that it is, in its essentials, 100% accurate. Pro Soualiga and its sister foundation, Korsow Na Kaminda Pa Libertat, possess all the relevant information and documentation to assist the islands in their decolonization and are ready and prepared to do so.

Sincerely,

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Pro Soualiga Foundation**



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