

# Policy Compass form for **internet consultation**\*<sup>1</sup>

## Title:

(Internet consultation title)

Rijkswet uitlevering voor Aruba, Curaçao en Sint Maarten

## ∞ Who are the stakeholders and why?

### Guiding questions

- Who has direct or indirect interest in the issue in question?

(The legal practitioners in) Aruba, Curacao and St Maarten

- Who has relevant knowledge and experience with the issue?

The legal practitioners  
The Ministry of Justice

- How have stakeholders been involved in the various phases of the policy process so far?

There is a working group with representatives from Aruba, Curacao, St Martin and The Netherlands in which the drafts were discussed. Through the working group, all te representatives will be involved during the legislative process.  
The working group will report to "het Justitieel Vierpartijenoverleg (JVO)".

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<sup>1</sup> This is not an official translation.

# 1. What is the problem?

## Guiding questions

- a) What is the problem?

The rules on extradition are codified in the order in council for the Kingdom on extradition of Aruba, Curacao and St Maarten (see <https://wetten.overheid.nl/BWBR0027429/2024-05-01/0/>). This order in council is not a Kingdom act and does not have a legal basis in a Kingdom act.

- b) What are the causes of the problem?

Since January 1st, 2024, an amendment of the Charter for the Kingdom of the Netherlands came into effect (Stb. 2023, 407). One of the effects of this amendment is that within the transition period of four years, a (legal basis in a) Kingdom act must be established.

- c) What is the scope of the problem?

If within the transition period of four years no (legal basis in a) Kingdom act on extradition is established for Aruba, Curacao and St Martin, the current order in council on extradition will expire by operation of law. This would have major consequences.

- d) What is the current policy and what can we learn from its evaluation?

n/a

- e) What happens if the government does nothing? (Zero option) What justifies government intervention?

If within the transition period of four years no (legal basis in a) Kingdom act on extradition is established, the current order in council on extradition will expire by operation of law.

# 2. What is the intended goal?

## Guiding questions

- a) What are the policy objectives?

To establish a Kingdom act on extradition for Aruba, Curacao and St Maarten, before January 1st of 2028, to make sure the rules on extradition will not expire.

- b) To which Sustainable Development Goals (SDGs) and well-being outcomes do the goals contribute?

16: peace, justice and strong institutions

### 3. What are the options for achieving the goal?

#### Guiding questions

- a) What are promising points of departure for policy?

Legislation

- b) What are promising policy options for the points of departure?

The most promising option is to convert the rules on extradition in a Kingdom act, in a technical way. This means with no substantive (policy) changes.

- c) What is the policy theory (goals tree) per promising policy option?

n/a

### 4. What are the impacts of these options?

#### Guiding questions

- a) What are possible impacts of the policy options?

A new Kingdom act on extradition for Aruba, Curacao and St Martin will guarantee that the rules on extradition are laid down in accordance with the Charter for the Kingdom of the Netherlands.

The legal practitioners in Aruba, Curacao and St Martin will have to work with the new Kingdom act on extradition for Aruba, Curacao and St Martin.

The rules on extradition in Aruba, Curaçao and St Martin will be codified on the same level of legislation as in the Netherlands (including Bonaire, St. Eustatius and Saba.)

- b) Which obligatory assessments are applicable and what are the results? (as far as known)

n/a

## 5. What is the preferred option?

### Guiding questions

a) What is the preferred option?

To convert the current rules as codified in the General administrative measure on extradition for Aruba, Curaçao and St Martin (<https://wetten.overheid.nl/BWBR0027429/2024-05-01/0/>) in a Kingdom act for extradition for Aruba, Curacao and St Martin. The preferred option is to achieve this, is to convert the rules with no substantive (policy) changes (so mainly a technical conversion).

b) How do you assess the chosen option in terms of:

- effectiveness and efficiency;
- feasibility for all relevant parties (including capacity to act, regulatory burden and enforcement);
- broad social impact?

This is seen as the most promising option, because of the given tight transition period of four years. Also, in this way this has a minimal effect on the legal practice administrative burdens.

c) What are the risks and uncertainties in this proposal?

The tight transition period of four years. The Kingdom act must be established by the latest on January 1st, 2028.

d) What does the intended monitoring and evaluation look like?

An evaluation is not (yet) foreseen, because no substantive (policy) changes are made in this proposal.