

## **Temporary scheme of the State Secretary for the Interior and Kingdom Relations (BZK) providing for a subsidy for social initiatives concerning transatlantic slave trade for the Caribbean part of the Kingdom**

The State Secretary for the Interior and Kingdom Relations and the Minister of the Interior and Kingdom Relations;

*Acting in accordance with the Prime Minister, Minister of General Affairs, Minister of Education, Culture and Science, Minister of Social Affairs and Employment, Minister of Foreign Affairs, Minister of Finance, Minister for Legal Protection and the State Secretary for Health, Welfare and Sport;*

Having regard to Sections 2, second paragraph, 3, first and second paragraph, and 4, first and second paragraph, of the framework Act on other BZK subsidies, and Sections 6, seventh paragraph, 8, first and second paragraph, 10, 11, first, second and third paragraph, 14, 20, 24, fifth paragraph, of the BZK Subsidies Framework Decree;

Decisions:

### **Article 1. Definition**

For the purposes of this scheme:

*Caribbean part of the Kingdom:* Curaçao, Aruba, St. Maarten, Bonaire, St. Eustatius and Saba.

*Committee:* The committee referred to in Article 11, first paragraph;

*Community:* Relates to the descendants of enslaved people and the group of people with whom they have shared characteristics, interests or who have a sense of solidarity or interpersonal connection.

*Grassroots organisations:* Non-profit organisations, cultural or social institutions (Dutch foundations or associations), which emerged at a local level from the community of descendants of enslaved people, and are organised to specifically address issues related to the slavery past for the benefit of the descendants of enslaved people.

*Minister:* Minister of the Interior and Kingdom Relations;

*Descendants of enslaved people:* The generations that emerged from the generations of African people, indigenous people from the Americas and Maroons, who were enslaved from about 1528 to 1863/1873.

*Transatlantic slave trade:* The historical era (from the early 16th to the late 19th centuries respectively) in which millions of people, mainly from Africa, were kidnapped, trafficked and enslaved, and then forced to work on plantations, in mines and in other sectors, particularly in the Americas (North and South America), Africa and parts of Europe.

*Partnership:* A partnership between at least one or more islands or countries in the Caribbean part of the Kingdom.

### **Article 2. Subsidy purpose**

The minister can provide subsidies for initiatives for descendants of enslaved people in the Caribbean part of the Kingdom, which, in line with the apologies made for the colonial slavery past, serve one or more of the following goals:

- a. a better understanding of the impact of the slavery past and counteracting the consequences of the impact of the slavery past in the present;
- a. the processing of the slavery past;
- a. increasing knowledge and awareness of the slavery past;
- a. acknowledging and commemorating the slavery past.

### **Article 3. Subsidy ceiling**

1. The minister will make €33,333,333.33 available between 1 July 2024 and 1 July 2029, which amount will be divided into application periods to be determined by the minister, with subsidy ceilings to be determined separately for the periods and the Caribbean part of the Kingdom.
2. The possibility of submitting applications for subsidy only exists during application periods determined by the minister.

#### **Article 4. Application periods**

1. The first application period runs from 1 July 2024 to 1 September 2024 and is intended for applications as referred to in Article 5. During this period:
  - a. the subsidy ceiling for applications on Curaçao is: €555,555.55
  - b. the subsidy ceiling for applications on Aruba is: €555,555.55
  - c. the subsidy ceiling for applications on St. Maarten is: €555,555.55
  - d. the subsidy ceiling for applications on Bonaire is: €555,555.55
  - e. the subsidy ceiling for applications on Saba is: €555,555.55
  - f. the subsidy ceiling for applications on St. Eustatius is: €555,555.55
2. The second application period runs from 1 October 2024 to 1 April 2025 and is intended for applications as referred to in Article 5. During this period:
  - a. the subsidy ceiling for applications on Curaçao is: €555,555.55
  - b. the subsidy ceiling for applications on Aruba is: €555,555.55
  - c. the subsidy ceiling for applications on St. Maarten is: €555,555.55
  - d. the subsidy ceiling for applications on Bonaire is: €555,555.55
  - e. the subsidy ceiling for applications on Saba is: €555,555.55
  - f. the subsidy ceiling for applications on St. Eustatius is: €555,555.55
3. The third application period runs from 1 May 2025 to 1 September 2025 and is intended for applications as referred to in Article 5. During this period:
  - a. the subsidy ceiling for applications on Curaçao is: €555,555.55
  - b. the subsidy ceiling for applications on Aruba is: €555,555.55
  - c. the subsidy ceiling for applications on St. Maarten is: €555,555.55
  - d. the subsidy ceiling for applications on Bonaire is: €555,555.55
  - e. the subsidy ceiling for applications on Saba is: €555,555.55
  - f. the subsidy ceiling for applications on St. Eustatius is: €555,555.55
4. If the subsidy ceilings from the first period are not fully used, the minister can use the remaining funds for applications in the second application period.
5. If the subsidy ceilings from the second application period are not fully used, the minister can use the remaining funds for applications in the third application period.
6. After the third application period, at least five more application periods follow. The minister announces the determination of the application periods in the Government Gazette and the Bulletin of Acts and Decrees, stating the purpose and the subsidy ceiling for the relevant application period.

#### **Article 5. Eligible activities**

1. The minister provides subsidies for activities to professionalise organisations in the Caribbean part of the Kingdom that work for the purposes stated in Article 2.
2. The minister provides subsidies for social initiatives in the Caribbean part of the Kingdom that focus on strengthening the community and/or have an impact on the goals stated in Article 2.

#### **Article 6. Applicants**

1. The applicants are non-government organisations. Therefore, no subsidies are provided to the governments of Curaçao, Aruba and St. Maarten or the administrative councils of Bonaire, Saba or St. Eustatius.

2. Private parties and natural persons registered in the Caribbean part of the Kingdom are eligible for subsidies
3. Subsidy applications under Article 5, second paragraph, will not be granted to natural persons.

#### **Article 7. Partnership**

1. Organisations from the different islands can be part of a partnership.
2. The collaboration is recorded in a collaboration agreement signed by all parties of the partnership, in which a main applicant is designated who is authorised to represent the partnership in and out of court.
3. The location of the main applicant determines which subsidy ceiling applies to the application.
4. The minister will make a model for the partnership agreement referred to in the second paragraph available electronically. This is available in Papiamentu, Papiamento, English and Dutch.

#### **Article 8. Amount of subsidy**

1. The subsidy under Article 5, first paragraph, amounts to a voucher of €10,000.
2. The subsidy under Article 5, second paragraph, amounts to 100% of the eligible costs of at least €10,000 and at most €500,000.

#### **Article 9. Subsidy application**

1. The application is submitted using a form made available electronically by the minister. The form is available in English, Papiamentu, Papiamento and Dutch.
2. In addition to the data and documents referred to in Article 11, third paragraph, of the BZK Subsidies Framework Decree, an application pursuant to Article 5, paragraph 2, contains at least (or the threshold criteria for subsidy applications ensure):
  - a. an overview of the activities for which the subsidy is requested, with a description of the parties involved and the costs incurred by these activities
  - b. a time schedule of the activity with the start date and expected date of completion of the activity plan;
  - c. the bank account number into which the subsidy amount must be paid, including a bank statement showing the name of the main applicant and the bank account number.
3. Incomplete subsidy applications can be supplemented by the main applicant within 2 weeks after the minister's notification stating that the application is incomplete.

#### **Article 10. The ranking of the applications**

1. The minister assesses all complete applications submitted in an application period and ranks the applications based on the assessment criteria included in Article 12.
2. The ranking of applications under Article 5, first paragraph, and applications lower than €25,000 under Article 5, second paragraph, will take place by drawing lots if the subsidy ceiling is exceeded.
3. The ranking of the applications on the basis of Article 5, second paragraph, from €25,000 to a maximum of €500,000, is based on the extent to which the applications serve the purposes mentioned in Article 2, taking into account advice from the advisory committee.

#### **Article 11. Advisory committee**

1. There is a committee that advises the minister on the application of Article 10, third paragraph, on the basis of an assessment against the criteria as included in Article 12.
2. The committee will provide written advice to the minister within 4 weeks after the application period closes.
3. The minister decides on the application taking into account the advice of the advisory committee.

#### **Article 12. Assessment criteria**

The quality of a subsidy application under Article 5, second paragraph, of €25,000 and a maximum of €500,000 is determined on the basis of the following assessment criteria, which are listed in order of their relative importance:

- a. The extent to which an activity contributes to the objectives stated in Article 2, first paragraph.
- b. The number of people reached directly or indirectly by the project.
- c. The extent to which the project will benefit descendants of enslaved people.
- d. The feasibility of the activities.
- e. The scope of the activity related to the associated costs.
- f. The extent to which cooperation and connections are sought with grassroots organisations.

#### **Article 13. Grounds for refusal**

The minister rejects an application for a subsidy if or insofar as:

- a. Projects are in conflict with Dutch laws and regulations;
- b. Subsidies do not, directly or indirectly, benefit the purposes stated in Article 2.
- c. The amount of the requested subsidy and its award in the ranking results in the subsidy ceiling set in Article 4 being exceeded.
- d. Projects have a duration of more than 6 years;
- e. The application concerns the costs that are required in addition to the initial application to realise an initiative;
- f. Projects have already been subsidised under this scheme;
- g. If applicable, a partnership agreement is missing.

#### **Article 14. Method of subsidy provision**

1. When a subsidy is provided on the basis of Article 5, first paragraph, of this scheme, a decision to determine the subsidy will be made immediately.
2. When granting a subsidy of €10,000 to €25,000 on the basis of Article 5, second paragraph, a decision to grant a subsidy will be made stating the date by which the activities must be carried out and the date on which the subsidy will be officially determined.
3. When granting a subsidy of €25,000 to €500,000 on the basis of Article 5, second paragraph, the subsidy is provided in the form of a fixed amount based on the information submitted with the application. A decision to award a subsidy is made stating the latest date by which the activities must be carried out and the time at which an application for a decision to determine the subsidy must be made.
4. The following are not eligible for a subsidy:
  - a. Operating costs;
  - b. Costs that are of a reparation, compensation or indemnification nature;
  - c. Unquantified costs;
  - d. Unforeseen expenses.

#### **Article 15. Subsidy recipient obligations**

In addition to the obligations stated in the BZK Subsidies Framework Decree, the recipient of the subsidy is obliged to ensure that:

- a. The objectives stated in the application are pursued effectively;

- b. The documentation is conducted in a clear and efficient manner and provides an accurate, complete and up-to-date picture of the financial position of the main applicant and income and expenditure associated with the subsidised activity.

**Article 16. Entry into force**

1. This scheme comes into effect on the day after the date of issue of the Government Gazette in which it is published and expires on 1 July 2029 at 00:00 European Dutch time.
2. Notwithstanding the second paragraph, this scheme, as it stands on 30 June 2029, remains applicable to the settlement of subsidy applications and determinations on the basis of this scheme.

This scheme will be published with the explanation in the Government Gazette and the Bulletins of Acts and Decrees of Aruba, Curaçao and St. Maarten.

The State Secretary of the Interior and Kingdom Relations

## Explanation

### I. General part

#### 1. Reason and background

On 19 December 2022, the Prime Minister apologised on behalf of the government for Dutch actions in the past with regard to the slavery past. The background to these apologies was the 'Chains of the Past'<sup>1</sup> research report by the Slavery Past Dialogue Group, presented in July 2021. In the report, the dialogue group focused on the impact of the transatlantic slave trade on contemporary society and the research was aimed at broader recognition and embedding of this shared past. Parallel to the apology,<sup>2</sup> a number of commitments were made in the government response to the report (and its appendices with specific island input) for the elaboration of the advice to achieve the development of future policy aimed at recognition, processing the past, and social recovery. In this government response, the cabinet announced a subsidy scheme for social initiatives aimed at:

- Knowledge and awareness about the transatlantic slave trade;
- Acknowledgement and commemoration;
- A better understanding of the impact of the slavery past and the psychological processing of that past.

A one-time sum of €100 million has been released for this subsidy scheme. The scope of the fund of which the subsidy scheme for social initiatives is part is the transatlantic slave trade; in this case for private parties and natural persons from the entire Dutch Kingdom and Suriname<sup>3</sup>. The government aims to ensure that there is a geographical balance in the expenditure of resources, taking into account the differences in pace, approach and organisation, and doing justice to the specific needs of different communities.

In this context, the ministerial steering committee of 29 September 2023 decided to divide the available €100 million for the social initiatives scheme into three parts: €33 million for the (European) Netherlands, the Caribbean part of the Kingdom and Suriname respectively<sup>4</sup>. This approach offers the possibility of customisation per geographical area, whereby an appropriate arrangement is developed for each area separately, with respect for the local working methods, processes and pace. The attached scheme concerns the social initiatives scheme for the transatlantic slave trade in the Caribbean part of the Kingdom of the Netherlands.

#### 2. Main features of this scheme

##### Starting points

The principles for the subsidy scheme for the Caribbean part of the Kingdom arise from the 'Chains of the past' report - with in particular its appendices with contributions from the islands - the government response of 19 December 2022 to the report of the Slavery Past Dialogue Group and the progress letter of 23 June 2023 'Letter on the process following the apology for the slavery past'. Various intensive and constructive discussions were also held with the communities, representatives and governments of the islands and countries in the Caribbean part of the Kingdom during 2022 and 2023 to gather input, including a Caribbean Catshuis session in October 2023. This arrangement also takes into account the *CARICOM Ten Point Plan for Reparatory Justice*.<sup>5</sup>

##### Objectives

Social initiatives that contribute substantially to at least one of the objectives mentioned in the government response of 19 December 2023 are eligible for a subsidy:

- A better understanding of the impact of the slavery past and combatting the impact that the slavery past still has in today's society;
- Processing the slavery past, socially and personally;
- increasing knowledge and awareness of the slavery past;

<sup>1</sup> <https://open.overheid.nl/documenten/ronl-27c6068b-1705-49b1-b125-643b8905fd13/pdf>

<sup>2</sup> House of Representatives, session year 2022-2023, 36 284, no. 1 <https://open.overheid.nl/documenten/ronl-a6b18a9d980649083437fdc086c48125c608be46/pdf>

<sup>3</sup> House of Representatives, session year 2022-2023, 36 284, no. 34

<https://open.overheid.nl/documenten/47c0453d-233e-42ce-99e2-b5badd641785/file>

<sup>4</sup> *Slavery past | House of Representatives of the States General*, no. 36284-36.

<sup>5</sup> CARICOM TEN POINT PLAN FOR REPARATORY JUSTICE [CARICOM Ten-Point Plan for Reparatory Justice.pdf](https://www.caricom.org/ohchr.org) (ohchr.org)

- acknowledging and commemorating the slavery past.

#### Special attention to promoting grassroots organisations

In the context of the proposed scheme for social initiatives, we aim to create an inclusive and supportive environment for various local communities within the Caribbean part of the Kingdom. A specific focus is on promoting professionalisation of and projects at grassroots organisations, which often form the hub of authentic local initiatives. These organisations, which emerged from the grassroots communities of descendants of enslaved people, operate in the context of the Caribbean part of the Kingdom with limited capacity and a shortage of funds to develop and further professionalise themselves. By providing targeted support to these grassroots initiatives, this scheme aims not only to achieve sustainable change, but also to strengthen resilience and engagement within communities.

The scheme includes two initiatives to promote grassroots organisations:

1. A voucher that grassroots organisations can use to professionalise and strengthen their organisation to a maximum of €10,000.
2. Larger established organisations that collaborate with grassroots organisations on their initiative or include grassroots organisations in their project will receive a higher ranking when the subsidy is awarded. This also applies to applications submitted by more than one island for cross-island projects.

#### Subsidy distribution

The subsidy is divided into three parts:

1. A subsidy for the professionalisation of grassroots organisations;
2. A grant for community-strengthening initiatives;
3. A subsidy for substantial impact initiatives.

With regard to the subsidy for community-strengthening initiatives and the subsidy for substantial impact initiatives, an organisation can submit an application for several different projects per period and an individual project can be carried out on a multi-annual basis with a maximum of five years. The basic principle for any type of subsidy application is that it can be submitted in all languages spoken on the islands in the Caribbean part of the Kingdom: English, Papiamentu, Papiamentu and Dutch.

#### *Part 1 Professionalising grassroots organisations*

This part of the scheme offers grassroots organisations of descendants and involved communities the opportunity to professionalise and strengthen their organisation by means of a professionalisation voucher of up to €10,000, the award of which takes place by drawing lots. This process is further explained in the article-by-article explanation of Article 10.

This voucher is intended for various activities aimed at strengthening the organisational capacity and sustainability of the organisations. The following, *non-exhaustive*, possibilities are considered:

- *Capacity building*: Support for workshops and training aimed at increasing the skills and knowledge of board members and employees. This also includes guidance in setting up effective governance structures and financial management and also applies to setting up an organisation and the actions involved, such as registration with the Chamber of Commerce and drawing up articles of association.
- *Promoting network formation*: Opportunities to organise and strengthen partnerships, making organisations better connected to relevant partners and each other.
- *Access to resources*: Obtain tailored advice and information about existing subsidy and financing options, as well as support in writing successful subsidy applications.
- *Technological support*: Training in the use of modern technologies and tools, with the aim of optimising digitalisation within the organisation.
- *Marketing and visibility*: Developing effective marketing and communications strategies to increase the visibility of the organisation, allowing them to increase their impact.
- *Advice on sustainability*: Support in developing sustainable financing models in the long term, which promotes the continuity and independence of the organisations.

This diversity of support options enables organisations to take tailor-made steps towards a strengthened and resilient future.

### *Part 2 Community-strengthening initiatives*

This part of the scheme includes initiatives to strengthen the community (Community Resilience Initiatives), aimed at promoting resilience within the communities of descendants of enslaved people and celebrating their resilience within the Caribbean part of the Kingdom. Within this segment of the scheme, there are two subsidy options available: a 'small' subsidy between €10,000 and €25,000, awarded by drawing lots, and a 'large' subsidy ranging between €25,000 and €125,000, assessed and ranked by an advisory committee. Previous recipients of a professionalisation voucher can also submit an application within these categories from year t+1.

These initiatives may have, among others, the following, *non-exhaustive*, purposes:

- *Social cohesion and networking*: Organisation of community meetings and events with the aim of healing and recovery within diverse communities, with an emphasis on bringing community members together, promoting social cohesion and the social and personal processing of the impact of the slavery past.
- *Education and awareness*:
  - Development of programs aimed at increasing knowledge about one's own slavery past and awareness of its impact on individual and community patterns;
  - Educational initiatives aimed at awareness, understanding and empowerment;
  - Education and information programs to increase community resilience against discrimination and racism, with a focus on empowerment, information, and support in situations of discrimination.
- *Community projects*: Funding community-led projects that focus on sharing, as well as commemorating, their history and experiences of slavery.
- *Joint development of impactful plans/projects* :
  - Community economic empowerment;
  - Awareness, education and empowerment with regard to the impact of the slavery past on the mental and physical health of descendants;
  - Professional networking within communities;
  - Health education campaigns;
  - Welfare-promoting projects in the community, such as sports.
- *Educational programs and development of teaching materials on own slavery past*: Development of comprehensive educational programs for communities, including teaching materials and interactive workshops. This also includes the development of relevant teaching materials, as well as research required for these teaching materials.
- *Organisation of lectures, seminars and panel discussions with an international character*: Facilitating events that promote dialogue and understanding through lectures, seminars and panel discussions with an international character.
- *Digital platforms*: Development of websites, apps or virtual tours that provide information and educational materials about the slavery past.

### *Part 3 Substantial impact initiatives*

Part 3 of the scheme includes substantial impact initiatives, intended for extensive projects that make a significant contribution to increasing knowledge, awareness, recognition, commemoration and tackling the impact of the slavery past. For this category, applications are possible within the range of €125,000 to €500,000. Assessment and ranking of applications are carried out by an advisory committee.

These projects are expected to have a deep and lasting impact on the scheme's objectives and contribute to broader social awareness and transformation regarding the slavery past. The aim is also to promote inter-island cooperation, as well as cooperation between larger and grassroots organisations.



### Advisory committee

The awarding process for subsidy amounts from €25,000 uses an independent and diverse committee to assess the application and award the subsidies. It will advise on the content and ranking of the applications on the basis of the assessment criteria that have been mentioned in Article 12. This ensures that not only established initiatives that are successful in the subsidy application process have a chance of receiving the resources, but also parties with impactful projects that are less experienced in subsidy applications have access to the resources of this scheme. The committee's advice on an application is shared in writing with the State Secretary for the Interior and Kingdom Relations. The final decision is taken by the State Secretary taking the advice into account.

When recruiting members of the advisory committee, the following profile is taken into account:

- *Experience working with grassroots organisations:* Members of the advisory committee must have experience working with and/or supporting grassroots organisations. This includes an understanding of the challenges and opportunities faced by such organisations.
- *Knowledge of social initiatives:* Members must have a broad knowledge of social initiatives, preferably with a focus on projects related to the slavery past. This may include educational, cultural and social projects.
- *Expertise in the social work field:* A background in the social work field, such as experience in social work, cultural studies, history or related fields, is desirable. This helps understand the broader context of social initiatives and their impact.
- *Knowledge of the community of descendants and affinity or connection with the Caribbean part of the Kingdom.* This includes understanding their history, culture, languages (such as English and Papiamentu), challenges and needs.
- *Independence and impartiality:* Members must be independent and impartial so that they can objectively assess the submitted applications without conflicts of interest. Given the small scale of the islands, the advisory committee members are allowed to be involved in submitting applications from the various islands and countries in the Caribbean part of the Kingdom. If this situation arises, the member of the advisory committee in question is expected not to issue advice on the (partly own) application.
- *Diversity and representation:* The composition of the advisory committee should be diverse to ensure a broad range of perspectives and experiences, including representation from different cultural backgrounds, ages and disciplines. All six islands must be sufficiently represented.
- *Commitment to human rights and social justice:* A commitment to human rights and social justice is an advantage, especially related to the slavery past.

### **3. Legal framework**

This scheme has been drawn up on the basis of Article 2, paragraph 2, of the Framework Act. Subsidies provided under this scheme are provided in accordance with the rules of this decision.

#### *State aid*

When drawing up this subsidy scheme, EU legislation and regulations regarding state aid were taken into account. EU law only applies to the Caribbean part of the Kingdom to a limited extent. The rules on state aid do not apply to companies established in the Caribbean part of the Kingdom because these islands are not part of the EU internal market. The subsidy scheme guarantees that subsidised activities may only take place in the Caribbean part of the Kingdom. Therefore, there is no need to take further state aid rules into account.

The state aid rules do apply to companies that are economically active in the European Netherlands. If a subsidy is granted to a company that is active in both the European Netherlands and the Caribbean part of the Kingdom, separate accounts must be kept. Separate accounts must be kept for activities taking place in the Caribbean part on the one hand and for activities in the European part on the other. Funds from this subsidy scheme are only provided for activities in the Caribbean part of the Kingdom.

These rules also apply if a subsidy is granted to a company that is active on both St. Maarten and the French part Saint Martin. Saint Martin is part of the EU internal market, where state aid rules apply.

#### 4. Financial consequences and administrative burdens

A total of €33,333,333.33 is available for the subsidy scheme for social initiatives in transatlantic slave trade for the period of 1 July 2024 to 1 July 2029. A minimum amount of €555,555.50 and a maximum of €1,111,111.11 is available per island per financial year. If the maximum amount is not fully used in a financial year, the remaining amount will be transferred to the next financial year.

##### *Payment and advance*

- The advance payment as described in Article 23, first paragraph, of the BZK Subsidies Framework Decree applies to applications under part 1, the professionalisation voucher. This describes that payment of the determined subsidy amount will take place in one go.
- Article 23, second paragraph, of the BZK Subsidies Framework Decree applies to subsidies of €10,000 to €25,000 on the basis of Article 5, second paragraph. This describes that an advance of 100% will be paid when a decision to grant a subsidy is made.
- For the other subsidies, from €25,000 to €500,000, the method of advance will be included in the decision to award subsidies. The starting point here is a standard advance payment of 80%.

##### *Accountability and subsidy determination*

To ensure transparent and responsible use of subsidy funds, clear guidelines have been established for accountability within the scheme. The general rules on the accountability and determination of subsidies are laid down in Article 24 of the Framework Decree. The application for subsidy determination is submitted using a form made available for this purpose. The application is accompanied by a final report and, if applicable, an audit report. The expectations are set out below, depending on the subsidy amount awarded.

##### **Final report after completion of activities:**

Anyone who has received a subsidy under Article 5, paragraph 2, must submit a final report after completing the activities. The report must include an overview of the results achieved, resources spent, and the extent to which the project has contributed to the objectives set in accordance with the subsidy conditions. For applications for professionalisation vouchers, the subsidy is determined immediately; no final report is required for this. Further instructions regarding the submission and content of the final report will be provided by the minister in the subsidy decision.

##### **Extensive accountability for subsidies above €125,000:**

Anyone who has received a subsidy under Article 5, second paragraph, with an amount higher than €125,000, must submit a detailed explanation after completion of the subsidised project. This accountability includes the final report of the project, accompanied by an audit report in accordance with Section 78 of Book 4 of the General Administrative Law Act. Further instructions regarding the submission and content of the final report will be provided by the minister in the subsidy decision.

##### *Administrative burden<sup>6</sup>*

The total administrative burden (application and accountability) will be <sup>7</sup>. This assumes a burden of \*\* hours with an average hourly rate of €\*\*\*.

#### 5. Realisation

The principles for the subsidy scheme for the Caribbean part of the Kingdom arise from the 'Chains of the past' report - with in particular its appendices with contributions from the islands - the government response of 19 December 2022 to the report of the Slavery Past Dialogue Group and the progress letter of 23 June 2023 'Letter on follow-up process apologising for slavery past'. Various intensive and constructive discussions were also held with the communities and representatives of the islands and countries in the Caribbean part of the Kingdom during 2022 and 2023 to gather input, including a Caribbean Catshuis session in October 2023. This arrangement also takes into account the *CARICOM Ten Point Plan for Reparatory Justice*.<sup>8</sup>

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<sup>6</sup>PM addition administrative burden assessment ATR

<sup>7</sup> P.M. Request for advice from ATR (available at the end of March 2024).

<sup>8</sup> CARICOM TEN POINT PLAN FOR REPARATORY JUSTICE [CARICOM Ten-Point Plan for Reparatory Justice.pdf](https://ohchr.org/en/document/view/?docid=42424&lang=en) ([ohchr.org](https://ohchr.org))

An internet consultation also took place for the standard minimum period of 30 days from 1 to 31 March <sup>9</sup>and this arrangement was tested through consultation meetings with official representatives and representation from the committees/platforms on the islands.

## **6. Entry into force**

This scheme will be published in the Government Gazette and Bulletins of Acts and Decrees of Aruba, Curaçao and St. Maarten on 1 June 2024 and will come into effect on 1 July 2024 at 00:00 European Dutch time. Because this concerns a scheme from the European Netherlands, the publication date of the Government Gazette applies.

This is a deviation from the minimum implementation period. This is desirable, because it is important that the subsidy can be applied for and granted soon. The existence of the subsidy scheme and the content of the scheme will be communicated to the community of descendants at an early stage through a Catshuis session at the end of January 2024 and through the internet consultation. This prevents significant undesirable public disadvantages. The exception to the minimum implementation period is applied on the basis of Instruction 4.17, fifth paragraph, under a, of the drafting instructions for legislation.

The subsidy scheme will expire on 1 July 2029. After this, there will be no more application periods. After the expiry of the scheme, there is still time to carry out the activities because they may have a maximum duration of 6 years.

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<sup>9</sup>Update PM with internet consultation response.

## **I. Notes on individual articles**

### **Article 1. Definition**

In the context of this scheme, the following definitions are used for the terms 'descendants', 'community', 'transatlantic slave trade' and 'grassroots organisations':

#### *Descendants of the enslaved*

Descendants of the enslaved refers to the descendants of people who were enslaved in the past. In the context of the transatlantic slave trade, this term refers to the generations that emerged from the generations of African and indigenous people from the Americas and Maroons who were enslaved from approximately 1528 to 1863/1873. This term also emphasises the historical continuity of the injustices caused by slavery and the long-term effects on the communities involved. It also recognises the importance of understanding the legacy and impact of slavery and addressing contemporary issues arising from this history, including socio-economic inequality, discrimination and intergenerational trauma.

#### *Community*

in the context of the slavery past, community refers to the group of people who have historically been directly affected by slavery and its associated practices. This concerns the descendants of enslaved people and the group of people with whom they have shared characteristics, interests or who have a sense of solidarity or interpersonal connection.

#### *Transatlantic slave trade*

The transatlantic slave trade refers to the historical era (from the early 16th century to the end of the 19th century respectively), in which millions of people, mainly from Africa, were kidnapped, trafficked and enslaved, and then forced to work on plantations, in mines and in other sectors, especially in the Americas (North and South America), Africa and parts of Europe. This horrific practice of slave trading took place between the 15th and 19th centuries and was a systematic process of human trafficking that had a major impact on the individuals involved and their descendants. The scope of the fund of which the subsidy scheme for social initiatives is part, is the transatlantic slave trade; in this case for private parties from the entire Dutch Kingdom and for countries that have a relationship with the Dutch colonial past, as is the case with Suriname.

#### *Grassroots organisations*

Grassroots organisations in the context of the slavery past refers to non-profit organisations, cultural or social institutions (Dutch foundations or associations), which arose at a local level from the community of descendants of enslaved people, and are organised to specifically address issues relating to the slavery past for the benefit of the descendants of enslaved people. These organisations are generally committed to awareness, justice, empowerment and lasting positive change/improvement in the lives of descendants.

### **Article 2. Subsidy purpose**

The goals of this subsidy scheme are in line with the objectives stated in the government response of 19 December 2022.<sup>10</sup>

### **Article 4. Application periods**

The subsidy ceilings laid down in Article 4, second paragraph, apply to the first financial year that the scheme runs. If this ceiling is not reached in the first application period, the remaining funds will be transferred to the second application period. The subsidy ceilings have been determined based on decision-making by representatives of Aruba, Bonaire, Curaçao, Saba, St. Eustatius and St. Maarten through consultation meetings. It was decided to divide the total amount of the subsidy scheme equally between all six islands. This boils down to the following:

- €33,333,333.33 / six islands is €5,555,555.55 per island for the total duration of the scheme.
- Due to the five-year duration of the subsidy scheme, this means €5,555,555.55 / five financial years per island. This amounts to a subsidy ceiling of €1,111,111.11 per island per financial year.

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<sup>10</sup> House of Representatives, session year 2022-2023, 36 284, no. 1 <https://open.overheid.nl/documenten/ronl-a6b18a9d980649083437fdc086c48125c608be46/pdf>

- 2024 has one application period; two application periods are provided for 2025. The subsidy ceilings per island for the application periods included in this scheme therefore amounts to €555,555.55 per island per application period.

If the subsidy ceiling for one of the categories referred to in Article 4, second paragraph, is not reached at the end of the second application period, the funds can be used for complete and timely applications that have been rejected due to a too low place in the ranking. This means, for example, that when applicants are selected for the professionalisation voucher, they may still be eligible if it turns out that the subsidy ceiling has not been reached for community-strengthening initiatives. This allocation takes place on the basis of the existing ranking. Applicants higher on the list will therefore be first in line.

Two consecutive application periods in 2024 have been chosen to offer applicants who are unable to complete an application in the first application period a second option that also falls within the year 2024.

The application periods as included in Article 4 of these scheme therefore amount to the following:

Financial year	Period number	Application period
2024	1	1 July to 1 September 2024
2025	2	1 November 2024 to 1 April 2025
2025	3	1 May to 1 September 2025

It has been decided not to record the remaining periods in the scheme yet so that the planning remains flexible and adjustments can be made during the course of the scheme. In this way, the lessons learned after planning the first periods can be applied in the planning of the following periods. The dates of the new application periods will be announced transparently and well in advance.

#### **Article 6. Applicants**

Organisations are allowed to submit different applications for different projects. Only the professionalisation voucher can only be applied for once within the same calendar year and may only be applied for a maximum of twice in total.

This scheme is intended for applicants who are registered in the Caribbean part of the Netherlands.

#### **Article 7. Amount of the subsidy**

For applications that fall under Article 4, first and second paragraph, there is a breakdown of the subsidy amounts as stated in the general part of these explanatory notes. In this case, subsidies up to €25,000 are awarded on the basis of a draw, and the amounts above are ranked based on the advice of a committee.

#### **Article 8. Subsidy application**

The electronic form has been made available on the PM website

#### **Article 9. The ranking of the applications**

For grants lower than €25,000, the ranking of all complete and timely applications will be determined by drawing lots. The draw takes place in the presence of a notary and at least 2 observers. The draw will be recorded in writing. The highest ranked applications will be considered for a subsidy first. If all complete and timely applications do not exceed the subsidy ceiling, the applications will be awarded without a drawing of lots taking place.

For grants of €25,000 and a maximum of €500,000, a committee will issue a written advice on the ranking. This advice will be shared in writing with the State Secretary for the Interior and Kingdom Relations. The final decision is taken by the State Secretary taking the advice into account.

#### **Article 11. Assessment criteria**

The advisory committee assesses the applications on the following aspects:

- a. Applications must clearly show how the activity fits in with the intended goals, such as promoting knowledge and awareness about the slavery past, countering the consequences of the impact of the slavery past in the present, processing the slavery past and recognising and commemorating the slavery past.
- b. Subsidy applications are assessed on the likelihood that the stated goals will actually be achieved. Applicants must convincingly demonstrate that their project will deliver concrete results and have a significant impact.
- c. The assessment includes specific attention to the extent to which the project benefits descendants of enslaved people. This may include initiatives/programs aimed at this target group and strategies to increase the involvement of these communities.
- d. The efficiency of the activity is assessed in relation to costs. Applicants must demonstrate that the proposed costs are proportionate to the intended reach and impact of the activity. An analysis of the costs related to reach in the application can be helpful (a P\*Q substantiation in which the various activities and their estimated costs are made clear).

When ranking subsidy applications, priority is given to projects and activities that seek cooperation and connections with grassroots organisations. Promoting cooperation with these organisations is viewed as positive, given their important role at local level and their direct involvement in the communities affected by the slavery past.

### **Article 13. Method of subsidy provision**

The method of subsidy provision in this scheme follows the rules for subsidy provision as set out in Articles 16, 17 and 18 of the BZK Subsidies Framework Decree.

Article 16 concerns subsidies lower than €25,000. Characteristic of this is that these subsidies are provided in the form of a fixed amount. That is why allocation of the professionalisation vouchers is determined immediately. For subsidies for social initiatives that are less than €25,000, 100% of the costs are advanced, but the subsidy is officially determined at a time specified in the subsidy decision. In this case, the subsidy recipient is obliged to report as soon as it is likely that the activities cannot take place on time or in full or that the obligations of the scheme cannot be met.

Article 17 concerns subsidies from €25,000 to €125,000. The difference with subsidies of less than €25,000 and subsidies of €125,000 or more is that in this case it must always be demonstrated that the activities for which the subsidy was granted have been carried out and that the obligations associated with the subsidy have been met.

Article 18 concerns subsidies of €125,000 or more. As with Articles 16 and 17, there is a duty to report when it is likely that activities cannot take place. This obligation does not apply to the professionalisation voucher.

#### Progress report

For grants of €25,000 or more where the activities last longer than one year, a progress report must be sent once a year. This report shows the progress of the activities. This obligation can be found in Article 19 of the BZK Subsidies Framework Decree.

#### Eligible costs

Only the costs directly related to the implementation of the activities. The costs must also be reasonable for carrying out the activity. The subsidy application must therefore be substantiated with a specification of the costs attributable to the activity. When determining the subsidy, the minister then checks whether it is likely that these costs have been incurred, whether they are directly related to the implementation of the activities for which the subsidy has been received and whether they are reasonable costs. This process follows from Article 6 of the BZK Subsidies Framework Decree.

Reparations, compensation or damages for the slavery past are not eligible for subsidies. The government has consciously opted for a moral and ethical gesture with this arrangement in response to the apology for the slavery past. At the same time, the government remains actively involved in initiatives to promote anti-discrimination and anti-racism.

**Article 14. Subsidy recipient obligations**

In addition to the obligations stated in Article 16, there are obligations for the subsidy recipient listed in Article 21 of the BZK Subsidies Framework Decree. According to the Framework Decree, the subsidy recipient is obliged:

- a. to carry out the activity in accordance with the description of that activity in the decision to award a subsidy, or, if a decision to determine the subsidy is made immediately, in accordance with the description of that activity in the subsidy determination;
- b. to comply with the obligations attached to the subsidy by the minister;
- c. to cooperate, at the request of the minister, in the publication of the data and results of the subsidised activity, unless disclosure thereof cannot reasonably be required;
- d. at the request of the Minister, to provide all cooperation in an evaluation study instituted by the Minister with regard to the application and effects of this Decree, which the Minister may reasonably require in carrying out that evaluation study;
- e. if an equalisation reserve has been formed, to manage it as safely as possible;
- f. to immediately notify the Minister in writing of the submission to the court of a request to declare the debt restructuring scheme for natural persons applicable to the recipient, to grant the recipient a suspension of payments or to declare the recipient bankrupt;
- g. to keep separate administration for the activities for which a subsidy is received and for the other activities;
- h. to keep the administration kept in the context of the subsidy provision for five years after the date of the decision to determine the subsidy or, in the case of state aid, for another period specified by ministerial regulation or decision;
- i. at the request of the minister, to provide further information for further accountability to the European Commission, on the basis of Sections 106, second and third paragraphs, 107 and 108 of the Treaty on the Functioning of the European Union or one of the European support frameworks.

The State Secretary of the Interior and Kingdom Relations