

**Bulletin of Acts and Decrees of the Kingdom of the Netherlands (Staatsblad)**

**Volume 2010**

**775**

**Decree of 1 November 2010 publishing the text of the Charter for the Kingdom of the Netherlands**

We, Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

On the recommendation of Our Minister of the Interior and Kingdom Relations, no. 2010-0000654462, of 27 October 2010,

Having regard to section VI of the Kingdom Act amending the Charter for the Kingdom of the Netherlands in connection with the dismantling of the present constitutional order of the Netherlands Antilles;

Have approved and decreed:

**Sole article**

The text of the Charter for the Kingdom of the Netherlands as amended by the Kingdom Act amending the Charter for the Kingdom of the Netherlands in connection with the dismantling of the present constitutional order of the Netherlands Antilles is appended to this Decree.

Our Minister of the Interior and Kingdom Relations is charged with the implementation of this Decree, which will be published with appendix in the Bulletin of Acts and Decrees, the Official Bulletin of Curaçao, the Official Bulletin of Aruba and the Official Bulletin of St Maarten.

Done at The Hague on 1 November 2010

Beatrix

J.P.H. Donner

Minister of the Interior and Kingdom Relations

Published on the twenty-third of November 2010

I.W. Opstelten  
Minister of Justice

TEXT OF THE CHARTER FOR THE KINGDOM OF THE NETHERLANDS AS LAST  
AMENDED BY KINGDOM ACT IN CONNECTION WITH THE DISMANTLING OF THE  
PRESENT CONSTITUTIONAL ORDER OF THE NETHERLANDS ANTILLES

PREAMBLE

The Netherlands, Aruba, Curaçao and St Maarten,  
noting that in 1954 the Netherlands, Suriname and the Netherlands Antilles expressed freely  
their will to establish a new constitutional order in the Kingdom of the Netherlands, in which they  
will conduct their internal interests autonomously and their common interests on a basis of  
equality and will accord each other assistance, and resolved in consultation to adopt the Charter  
for the Kingdom;  
noting that the ties with Suriname under the Charter were terminated as of 25 November 1975  
by means of an amendment to the Charter by Kingdom Act of 22 November 1975, Bulletin of  
Acts and Decrees no. 617, Official Bulletin of the Netherlands Antilles no. 233;  
considering that Aruba has expressed freely its will to accept the aforesaid constitutional order  
as a Country for a period of ten years commencing 1 January 1986 and for an indefinite period  
commencing 1 January 1996;  
considering that Curaçao and St Maarten have expressed freely their will to accept the  
aforesaid constitutional order as Countries;  
have resolved in consultation to adopt the Charter for the Kingdom as follows.

**§ 1 General provisions**

Article 1

1. The Kingdom shall consist of the Countries of the Netherlands, Aruba, Curaçao and St Maarten.
2. Bonaire, St Eustatius and Saba shall form part of the Dutch polity. Rules may be laid down and other specific measures may be introduced for these islands, in view of their economic and social circumstances, their substantial distance from the Netherlands in Europe, their island character, small size and population, their geographic location, their climate and other factors that distinguish them from the Netherlands in Europe.

Article 1a

The Crown of the Kingdom shall devolve by inheritance upon Her Majesty Queen Juliana, Princess of Orange-Nassau, and upon her lawful successors.

## Article 2

1. The King shall reign over the Kingdom and over each of the Countries. The Ministers, not the King, shall be responsible for acts of government.
2. The King shall be represented by the Governor in Curaçao and St Maarten. The powers, duties and responsibility of the Governor as representative of the Government of the Kingdom shall be determined by Kingdom Act or, as the case may be, by order in council for the Kingdom.
3. Matters pertaining to the appointment and removal of the Governor shall be determined by Kingdom Act. The appointment or removal of the Governor shall be effected by the King as Head of the Kingdom.

## Article 3

1. Without prejudice to provisions elsewhere in the Charter, Kingdom affairs shall include:
  - a. maintenance of the independence and the defence of the Kingdom;
  - b. foreign relations;
  - c. Dutch nationality;
  - d. regulation of the orders of chivalry, the flag and the coat of arms of the Kingdom;
  - e. regulation of the nationality of vessels and the standards required for the safety and navigation of seagoing vessels flying the flag of the Kingdom, with the exception of sailing ships;
  - f. supervision of the general rules governing the admission and expulsion of Dutch nationals;
  - g. general conditions for the admission and expulsion of aliens;
  - h. extradition.
2. Other matters may be declared to be Kingdom affairs in consultation.

Article 55 shall apply *mutatis mutandis*.

## Article 4

1. Royal power in Kingdom affairs shall be exercised by the King as Head of the Kingdom.
2. Legislative power in Kingdom affairs shall be exercised by the legislative bodies of the Kingdom. Kingdom Bills shall be considered with due observance of the provisions of Articles 15 to 21 inclusive.

## Article 5

1. The Monarchy and the succession to the Throne, the Organs of the Kingdom referred to in the Charter, and the exercise of royal and legislative power in Kingdom affairs shall be governed, if not provided for by the Charter, by the Constitution of the Kingdom.
2. The Constitution shall have regard to the provisions of the Charter.

3. Articles 15 to 20 inclusive shall apply to any proposal for amendment of the Constitution containing provisions concerning Kingdom affairs, as well as to the Bill stating the grounds for considering such a proposal.

## **§ 2 The conduct of Kingdom affairs**

### Article 6

1. Kingdom affairs shall be conducted in cooperation by the Netherlands, Aruba, Curaçao and St Maarten, in accordance with the following provisions.
2. Wherever possible the Organs of the Countries shall participate in the conduct of these affairs.

### Article 7

The Council of Ministers of the Kingdom shall be composed of the Ministers appointed by the King and the Minister Plenipotentiary appointed by the Governments of Aruba, Curaçao and St Maarten.

### Article 8

1. The Ministers Plenipotentiary shall act in the name of the Governments of their Countries, which shall appoint or remove them. They must be of Dutch nationality.
2. The Government of the relevant Country shall provide for a deputy for the Minister Plenipotentiary in the event of absence. The provisions of the Charter with regard to the Minister Plenipotentiary shall apply *mutatis mutandis* to his deputy.

### Article 9

1. Before assuming office the Minister Plenipotentiary shall, in the presence of the Governor, take an oath or make a promise of allegiance to the King and to the Charter. The form of the oath or promise shall be prescribed by order in council for the Kingdom.
2. A Minister Plenipotentiary who is in the Netherlands shall take the oath or make the promise in the presence of the King.

### Article 10

1. The Minister Plenipotentiary shall participate in the deliberations of the Council of Ministers and of the permanent boards and special committees of the Council whenever Kingdom affairs are discussed which affect the Country in question.
2. The Governments of Aruba, Curaçao and St Maarten shall be entitled to appoint – if they see reason to do so in relation to a particular matter – a Minister, in addition to the Minister

Plenipotentiary, to participate with an advisory vote in the deliberations referred to in the preceding paragraph.

#### Article 11

1. Proposals for the amendment of the Constitution of the Kingdom containing provisions relating to Kingdom affairs shall affect Aruba, Curaçao and St Maarten.
2. The defence of the territory of Aruba, Curaçao or St Maarten, and agreements or arrangements relating to any territory within their sphere of interest, shall be deemed to affect Aruba, Curaçao or St Maarten respectively.
3. Foreign relations shall be deemed to affect Aruba, Curaçao or St Maarten whenever the particular interests of Aruba, Curaçao or St Maarten respectively are involved, or whenever arrangements are contemplated which may have significant consequences for such interests.
4. The determination of the contribution to the expenses referred to in Article 35 shall be deemed to affect Aruba, Curaçao or St Maarten respectively.
5. Proposals for naturalisation shall be deemed to affect Aruba, Curaçao and St Maarten only if they relate to persons resident in the Country concerned.
6. The Governments of Aruba, Curaçao and St Maarten may indicate Kingdom affairs which affect their respective Countries other than those mentioned in paragraphs 1 to 4.

#### Article 12

1. If the Minister Plenipotentiary of Aruba, Curaçao or St Maarten, indicating his reasons for expecting that a proposed instrument containing generally binding rules would be seriously detrimental to his Country, has declared that his Country could not be bound by such an instrument, the instrument may not be adopted in such a way as to apply to the Country concerned, unless such a course would be inconsistent with the Country's ties with the Kingdom.
2. If the Minister Plenipotentiary of Aruba, Curaçao or St Maarten has serious objections to the initial opinion of the Council of Ministers on the binding nature of the provision referred to in paragraph 1, or on any other matter in the consideration of which he has participated, deliberations thereon shall continue at his request, if necessary having regard to a time-limit to be determined by the Council of Ministers.
3. The deliberations referred to above shall be conducted by the Prime Minister, two Ministers, the Minister Plenipotentiary and a Minister or special representative to be designated by the Government concerned.
4. If several Ministers Plenipotentiary desire to participate in the continued deliberations, these deliberations shall be conducted by these Ministers Plenipotentiary, the same number of Ministers and the Prime Minister. Article 10, paragraph 2 shall apply *mutatis mutandis*.

5. The Council of Ministers shall take a decision in accordance with the result of the continued deliberations. If the opportunity for continued deliberations has not been utilised within the time-limit specified, the Council of Ministers shall decide.

#### Article 12a

Provisions shall be made by Kingdom Act for settling disputes between the Kingdom and the Countries which are designated by Kingdom Act.

#### Article 13

1. There shall be a Council of State of the Kingdom.
2. If the Government of Aruba, Curaçao or St Maarten so desires, the King shall appoint, in agreement with the relevant Government, a member to represent Aruba, Curaçao or St Maarten respectively in the Council of State. The said member shall not be removed without prior consultation with his Government.
3. The member of the Council of State for Aruba, Curaçao or St Maarten shall participate in the Council of State's proceedings whenever the Council or a division thereof is being heard on proposed Kingdom Acts or orders in council for the Kingdom which are to apply in Aruba, Curaçao or St Maarten, or on other matters which, pursuant to Article 11, affect Aruba, Curaçao or St Maarten respectively.
4. Regulations concerning the said members of the Council of State which depart from the Council of State Act may be laid down by order in council for the Kingdom.

#### Article 14

1. Provisions regarding Kingdom affairs shall be laid down – if the matter in question is not regulated by the Constitution of the Kingdom and subject to international agreements and the provisions of Article 3 – by Kingdom Act or, if appropriate, by order in council for the Kingdom. Such an Act or order in council may instruct or allow other organs to lay down further rules. In the case of the Countries, the appropriate organs shall be the legislatures or the governments.
2. If the regulation of a matter is not to be effected solely by Kingdom Act, it may be effected by order in council for the Kingdom.
3. Provisions concerning Kingdom affairs which do not apply in Aruba, Curaçao or St Maarten shall be effected by Act of Parliament or order in council.
4. Persons resident in Aruba, Curaçao or St Maarten shall be naturalised by or pursuant to a Kingdom Act.

## Article 15

1. The King shall forward Bills for Kingdom Acts, at the same time as they are introduced in the States General, to the representative assemblies of Aruba, Curaçao and St Maarten.
2. If a Bill for a Kingdom Act was initiated by the States General, the Bill shall be forwarded by the House of Representatives immediately following its introduction in the House of Representatives.
3. The Minister Plenipotentiary of Aruba, Curaçao or St Maarten shall have the power to propose that the House of Representatives initiate a Kingdom Bill.

## Article 16

The representative assembly of the Country in which the legislation is to apply shall be empowered, before the Bill is publicly debated in the House of Representatives, to examine the Bill and to issue a written report thereon, if necessary within a fixed time-limit.

## Article 17

1. The Minister Plenipotentiary of the Country in which the legislation is to apply shall be afforded the opportunity to attend the debates on the Bill in the States General and to furnish such information to the Senate and House of Representatives as he considers desirable.
2. The representative assembly of the Country in which the legislation is to apply may decide to designate, for the purposes of the debate on a particular Bill in the States General, one or more special delegates who shall likewise be empowered to attend the debates and furnish information.
3. The Ministers Plenipotentiary and the special delegates shall be immune from any legal proceedings in respect of anything they say in or submit in writing to the meetings of the Senate or House of Representatives.
4. The Ministers Plenipotentiary and the special delegates shall be empowered to propose amendments to a Bill during the proceedings in the House of Representatives.

## Article 18

1. Before a final vote is taken on any Kingdom Bill in the Senate and House of Representatives, the Minister Plenipotentiary of the Country in which the legislation is to apply shall have the opportunity to express his opinion on the Bill. If the Minister Plenipotentiary states his opposition to the proposal, he may request the House at the same time to postpone the vote till the following meeting. If, after the Minister Plenipotentiary has stated his opposition to the Bill, the House of Representatives adopts it with a majority of less than three-fifths of the number of votes cast, the proceedings shall be suspended and the Council of Ministers shall consider the Bill further.

2. If the meetings of the Senate or House of Representatives are being attended by special delegates, the power referred to in paragraph 1 shall devolve upon the delegate designated for the purpose by the representative assembly.

#### Article 19

Articles 17 and 18 shall apply *mutatis mutandis* to proceedings in joint session of the States General.

#### Article 20

Further rules relating to the provisions of Articles 15 to 19 may be laid down by Kingdom Act.

#### Article 21

If, in the event of war or in other exceptional circumstances in which immediate action is required, the King is of the opinion, after consultation with the Ministers Plenipotentiary of Aruba, Curaçao and St Maarten, that it is impossible to await the result of the examination referred to in Article 16, a departure may be made from the provisions of that Article.

#### Article 22

1. The Government of the Kingdom shall ensure the publication of Kingdom Acts and orders in council for the Kingdom, which shall appear in the official bulletin of the Country where the legislation is to apply. The Governments of the Countries shall lend all the assistance necessary to that end.
2. Kingdom Acts and orders in council for the Kingdom shall enter into force on the date determined therein or pursuant thereto.
3. The terms of the publication of Kingdom Acts and orders in council for the Kingdom shall state that the provisions of the Charter for the Kingdom have been observed.

#### Article 23

1. The jurisdiction of the Supreme Court of the Netherlands in respect of legal cases in Aruba, Curaçao and St Maarten, and also in Bonaire, Sint Eustatius and Saba, shall be regulated by Kingdom Act.
2. If the Government of Aruba, Curaçao or St Maarten so requests, the said Kingdom Act shall provide for the addition of a member, an extraordinary member or an advisory member to the Court.

## Article 24

1. Agreements with other powers and with international organisations which affect Aruba, Curaçao or St Maarten shall be submitted to the representative assembly of Aruba, Curaçao or St Maarten respectively at the same time as they are submitted to the States General.
2. If an agreement has been submitted for the tacit approval of the States General, the Ministers Plenipotentiary may, within the time-limit set for this purpose for the Senate and House of Representatives, communicate their wish that the agreement shall be subject to the express approval of the States General.
3. The preceding paragraphs shall apply *mutatis mutandis* in respect of the denunciation of international agreements, with the proviso in the case of paragraph 1 that the representative assembly of Aruba, Curaçao or St Maarten respectively shall be notified of the intended denunciation.

## Article 25

1. The King shall not bind Aruba, Curaçao or St Maarten to international economic or financial agreements if the Government of the Country, indicating the reasons for considering that this would be detrimental to the Country, has declared that the Country should not be bound by them.
2. The King shall not denounce international economic or financial agreements in respect of Aruba, Curaçao or St Maarten if the Government of the Country, indicating the reasons for considering that a denunciation would be detrimental to the Country, has declared that denunciation should not take place with respect to that Country. An agreement may nevertheless be denounced if exclusion of the Country concerned from the denunciation is incompatible with the provisions of the agreement.

## Article 26

If the Government of Aruba, Curaçao or St Maarten communicates its wish for the conclusion of an international economic or financial agreement that applies solely to the Country concerned, the Government of the Kingdom shall assist in the conclusion of such an agreement, unless this would be inconsistent with the Country's ties with the Kingdom.

## Article 27

1. Aruba, Curaçao or St Maarten shall be consulted at the earliest possible stage in the preparation of agreements with other Powers which affect any of them, in accordance with Article 11. They shall also be involved in the implementation of agreements which affect them and by which they are bound.

2. The Netherlands, Aruba, Curaçao and St Maarten shall conclude a mutual agreement on cooperation between the Countries for the purpose of drafting delegated legislation or other measures necessary for the implementation of agreements with other Powers.
3. If the interests of the Kingdom are affected by the fact that delegated legislation or other measures necessary for the implementation of agreements with other Powers have not been introduced in one of the Countries, while the agreement in question can be ratified for that Country only once the delegated legislation or measures have been introduced, an order in council for the Kingdom, or if necessary a Kingdom Act, may determine the way in which the agreement is to be implemented.
4. Once the delegated legislation or other measures necessary for the implementation of the agreement in question have been introduced by the relevant Country, the order in council for the Kingdom or Kingdom Act shall be repealed.

#### Article 28

In accordance with international agreements entered into by the Kingdom, Aruba, Curaçao or St Maarten may, if they so desire, accede to membership of international organisations.

#### Article 29

1. Loans outside the Kingdom in the name of or for the account of one of the Countries shall be contracted or guaranteed in agreement with the Government of the Kingdom.
2. The Council of Ministers shall agree to the contracting or guaranteeing of such loans, unless this would be contrary to the interests of the Kingdom.

#### Article 30

1. Aruba, Curaçao and St Maarten shall lend such assistance and support to the armed forces within their territory as the latter require for the discharge of their task.
2. Provisions shall be laid down by country ordinance to ensure that the armed forces of the Kingdom stationed in Aruba, Curaçao or St Maarten can discharge their task.

#### Article 31

1. Persons resident in Aruba, Curaçao or St Maarten may be compelled to serve in the armed forces or to perform alternative civilian service only by country ordinance.
2. The Constitution may determine that persons subject to compulsory service in the army shall be sent elsewhere without their consent only pursuant to a country ordinance.

#### Article 32

The armed forces for the defence of Aruba, Curaçao or St Maarten shall consist as far as

possible of persons resident within the Country concerned.

#### Article 33

1. Requisitioning and use of property, restrictions on title and rights of use, the requisitioning of services and billeting for defence purposes shall be effected only with due regard to general rules to be laid down by Kingdom Act, which shall also contain provisions concerning compensation.
2. Whenever possible the said Kingdom Act shall instruct the authorities of the Countries to issue further provisions.

#### Article 34

1. In the event of war or a threat of war or if a threat to or the disturbance of internal peace and order might seriously damage the Kingdom's interests, the King may, to maintain internal or external security, declare any part of the territory to be in a state of war or a state of emergency.
2. How such a declaration shall be made and the ensuing consequences provided for shall be determined by or pursuant to Kingdom Act.
3. Such legislation may determine that, and in what manner, powers of the civil authorities in respect of public order and the police shall be transferred, wholly or in part, to other civil authorities or to the military authorities and that, in the latter case, the civil authorities shall be subordinate to the military authorities. Whenever possible the Government of the Country concerned shall be consulted with regard to the transfer of powers. Such legislation may depart from provisions relating to the freedom of the press and freedom of association and assembly, and from those relating to the inviolability of dwellings and correspondence.
4. In an area where in the event of war a state of emergency has been declared, military criminal law and military criminal jurisdiction may be declared wholly or partially applicable to any person, in a manner determined by Kingdom Act.

#### Article 35

1. Aruba, Curaçao and St Maarten shall contribute, to an extent consonant with their resources, to the cost of maintaining the independence and the defence of the Kingdom, and to the cost of the conduct of other Kingdom affairs, to the extent that they benefit Aruba, Curaçao or St Maarten respectively.
2. The contributions of Aruba, Curaçao or St Maarten referred to in paragraph 1 shall be determined by the Council of Ministers for one fiscal year or for a number of consecutive fiscal years. Article 12 shall apply *mutatis mutandis* with the proviso that decisions shall be taken unanimously.

3. If the contributions referred to in paragraph 2 are not determined in due time, the contributions determined for the previous fiscal year in accordance with that paragraph shall apply for a period not to exceed one fiscal year.
4. The preceding paragraphs shall not apply to the costs of measures for which special provision has been made.

### **§ 3 Mutual assistance, consultation and cooperation**

#### **Article 36**

The Netherlands, Aruba, Curaçao and St Maarten shall accord one another aid and assistance.

#### **Article 36a**

(Rescinded on 10 October 2010)

#### **Article 37**

1. The Netherlands, Aruba, Curaçao and St Maarten shall consult wherever possible on all matters involving the interests of two or more Countries. To this end special representatives may be designated and joint bodies created.
2. The matters referred to in this Article shall include:
  - a. the promotion of cultural and social relations between the Countries;
  - b. the promotion of effective economic, financial and monetary relations between the Countries;
  - c. problems in respect of coinage and currency, banking and foreign exchange policy;
  - d. the promotion of economic resilience by means of mutual aid and assistance;
  - e. the conduct of professions and business in the Countries by Dutch nationals;
  - f. matters relating to aviation, including policy on unscheduled air transport;
  - g. matters relating to shipping;
  - h. cooperation in the field of telegraphic, telephone and radio communications.

#### **Article 38**

1. The Netherlands, Aruba, Curaçao and St Maarten may enter into mutual arrangements.
2. They may decide by common consent that such arrangements and the modification thereof shall be laid down by Kingdom Act or order in council of the Kingdom.
3. Private law and criminal law matters of an interregional or international nature may be regulated by Kingdom Act, provided that the Governments of the Countries concerned agree to the provisions thereof.
4. Provision for the transfer of the registered offices of legal persons shall be made by Kingdom Act. Such provision must be approved by the Governments of the Countries.

#### Article 38a

The Countries may enter into mutual arrangements for settling disputes between them. Article 38, paragraph 2 applies.

#### Article 39

1. Civil and commercial law, the law of civil procedure, criminal law, the law of criminal procedure, copyright, industrial property, the office of notary, and provisions concerning weights and measures shall be regulated as far as possible in a similar manner in the Netherlands, Aruba, Curaçao and St Maarten.
2. Any proposal for drastic amendment of the existing legislation in regard to these matters shall not be submitted to or considered by a representative assembly until the Governments in the other Countries have had the opportunity to express their views on the matter.

#### Article 40

Judgments given and warrants issued by courts in the Netherlands, Aruba, Curaçao or St Maarten, and engrossments of authentic instruments issued by them, may be enforced throughout the Kingdom, with due observance of statutory provisions in the Country of enforcement.

### **§ 4 The constitutional organisation of the Countries**

#### Article 41

1. The Netherlands, Aruba, Curaçao and St Maarten shall conduct their internal affairs autonomously.
2. The interests of the Kingdom shall be a matter of common concern to the Countries.

#### Article 42

1. Within the Kingdom, the constitutional organisation of the Netherlands is set forth in the Constitution of the Kingdom, and that of Aruba, Curaçao and St Maarten in their respective Constitutions.
2. The Constitutions of Aruba, Curaçao and St Maarten are established by country ordinance. Any proposal for the amendment of the Constitutions shall explicitly describe the proposed amendment. The representative assemblies shall adopt a Bill for a country ordinance of this kind only by a two-thirds majority of the votes cast.

#### Article 43

1. Each of the Countries shall promote the realisation of fundamental human rights and freedoms, legal certainty and good governance.
2. The safeguarding of such rights and freedoms, legal certainty and good governance shall be a Kingdom affair.

#### Article 44

1. Any country ordinance amending the Constitution of Aruba, Curaçao or St Maarten with regard to:
  - a. articles relating to fundamental human rights and freedoms;
  - b. provisions relating to the powers of the Governor;
  - c. articles relating to the powers of the representative assemblies of the Countries;
  - d. articles relating to the administration of justice,shall be submitted to the Government of the Kingdom. Such country ordinances shall not enter into effect until the Government of the Kingdom has signified its agreement.
2. Bills for country ordinances as referred to in the preceding paragraphs shall not be submitted to the representative assembly or be examined by the assembly if initiated by a member, until the opinion of the Government of the Kingdom has been obtained.

#### Article 45

- Amendments to the Constitution of the Kingdom with regard to:
- a. articles relating to fundamental human rights and freedoms;
  - b. provisions relating to the powers of the Government;
  - c. articles relating to the powers of the representative assemblies;
  - d. articles relating to the administration of justice,
- shall be deemed – without prejudice to the provisions of Article 5 – to affect Aruba, Curaçao and St Maarten within the meaning of Article 10.

#### Article 46

1. The representative assemblies shall be elected by Dutch nationals who are residents of the Country concerned and have attained an age to be determined by the Countries, which should not exceed 25 years. Each voter shall cast only one vote. Elections shall be free and by secret ballot. In case of necessity the Countries may impose restrictions. Any Dutch national shall have the right to stand for election, subject to such requirements of residence and age as the Countries may define.
2. The Countries may award to Dutch nationals who are not residents of the Country concerned the right to vote in elections for the representative assemblies, and to residents of the Country concerned who are not Dutch nationals the right to vote and stand in elections for the

representative assemblies, provided in the case of all the foregoing that the requirements for residents who are Dutch nationals are observed.

#### Article 47

1. Before taking office the Ministers and the members of the representative assemblies in the Countries shall swear or promise allegiance to the King and the Charter.
2. The Ministers and the members of the representative assemblies in Aruba, Curaçao and St Maarten shall take the oath, or make the promise, in the presence of the King's representative.

#### Article 48

The Countries shall take account of the provisions of this Charter in their legislation and administration.

#### Article 49

Rules may be established by Kingdom Act with regard to the binding force of legislative measures which are inconsistent with the Charter, an international instrument, a Kingdom Act or an order in council for the Kingdom.

#### Article 50

1. Legislative and administrative measures in Aruba, Curaçao and St Maarten which are at variance with the Charter, an international instrument, a Kingdom Act or an order in council for the Kingdom, or with interests whose promotion or protection is a Kingdom affair, may be suspended and annulled by the King as Head of the Kingdom by virtue of a decree stating reasons. The recommendation for annulment shall be made by the Council of Ministers.
2. This matter shall be regulated for the Netherlands, if necessary, in the Constitution of the Kingdom.

#### Article 51

1. If any organ in Aruba, Curaçao or St Maarten does not or does not adequately perform its duties as required by this present Charter, an international instrument, a Kingdom Act or an order in council for the Kingdom, the measures to be taken may be determined by Kingdom Act, setting forth the legal grounds and the reasons on which it is based.
2. This matter shall be regulated for the Netherlands, if necessary, in the Constitution of the Kingdom.

#### Article 52

With the assent of the King, a country ordinance may confer upon the King as head of the Kingdom and upon the Governor as an organ of the Kingdom, powers with respect to Country affairs.

#### Article 53

If Aruba, Curaçao or St Maarten so wish, the independent supervision of the expenditure of funds under the budgets of Aruba, Curaçao or St Maarten respectively may be exercised by the Netherlands Court of Audit. In that event, after consultation with the Court of Audit, rules shall be established by Kingdom Act governing cooperation between the Court of Audit and the Country concerned. The Government of that Country shall be empowered to appoint, on the nomination of its representative assembly, a person who shall have the opportunity to attend deliberations on all affairs of the relevant Country.

### **§ 5      Transitional and final provisions**

#### Article 54

1. Once the position of Bonaire, Sint Eustatius and Saba is provided for within the new constitutional order of the Netherlands by amendment of the Constitution of the Kingdom, Article 1, paragraph 2 will no longer apply.
2. This Article will no longer apply if Article 1, paragraph 2 is rescinded pursuant to Article 54, paragraph 1.

#### Article 55

1. Amendments to this Charter shall be effected by Kingdom Act.
2. A Bill for an amendment passed by the States General shall not be approved by the King until it has been accepted by Aruba, Curaçao and St Maarten. This acceptance shall be enacted by country ordinance. Such a country ordinance shall not be adopted until it has been approved by the States of the Countries in two readings. If the draft is passed at the first reading by two-thirds of the votes cast, it will be deemed approved forthwith. The second reading shall take place within one month after the Bill has passed the first reading.
3. If and in so far as a Bill for the amendment of this Charter is at variance with the Constitution of the Kingdom, the Bill shall be dealt with in the manner provided for in the Constitution in respect of proposed amendments to the Constitution, with the proviso that the two Houses may adopt the proposed amendment in the second reading by an absolute majority of the votes cast.

#### Article 56

Authorities, binding legislation, ordinances and decrees existing on the date of entry into force of the Charter shall remain in effect until they have been replaced by others pursuant to this Charter. In so far as the Charter provides otherwise with respect to any matter, the terms of the Charter shall prevail.

#### Article 57

Acts and orders in council previously applicable to the Netherlands Antilles shall acquire the status of Kingdom Act or order in council for the Kingdom respectively with the proviso that, if they can be amended by country ordinance pursuant to the Charter, they shall acquire the status of country ordinance.

#### Article 57a

Existing Kingdom Acts, acts of parliament, country ordinances, orders in council for the Kingdom, orders in council and other rules and decrees that are at variance with an amendment to the Charter, shall remain in force until due provision is made for them as set out in the Charter.

#### Article 58

1. Aruba may declare by country ordinance that it wishes to terminate the constitutional order enshrined in the Charter in respect of Aruba.
2. A Bill for such a country ordinance shall be accompanied on its submission by an outline of a future Constitution, containing in any event provisions on fundamental rights, government, the representative assembly, legislation and administration, the administration of justice and amendments to the Constitution.
3. The States may only approve such a Bill with a majority of two-thirds of the sitting members.

#### Article 59

1. Within six months of the approval by the States of Aruba of the Bill referred to in Article 58, a referendum to be regulated by country ordinance shall be held, at which those entitled to vote in elections to the States may express their opinion on the Bill.
2. The Bill shall not be enacted as a country ordinance until it has received the approval of a majority of the voters in a referendum.

#### Article 60

1. Once the country ordinance has been enacted in accordance with Articles 58 and 59 and once the future Constitution has been approved by the States of Aruba with a majority of at least two thirds of the sitting members, the date on which the government of Aruba feels that the

constitutional order should be terminated in respect of Aruba shall be determined by Royal Decree.

2. This date shall be no more than a month after the Constitution has been adopted, which in turn shall be no more than a year after the date of the referendum referred to in Article 59.

#### Article 60a

1. The draft Constitutions for Curaçao and St Maarten respectively, established by island ordinance by the Island Councils, shall, at the time of entry into force of Sections I and II of the Kingdom Act amending the Charter in connection with the dismantling of the constitutional order of the Netherlands Antilles, acquire the status of Constitution of Curaçao and St Maarten respectively, with the proviso that:

- a. the opinion of the Government of the Kingdom is obtained before the draft Constitution is presented to the Island Council in question, or before a private member's Bill to this effect is examined by the Island Council in question;
- b. the draft Constitution has been accepted by at least two-thirds of the votes cast and
- c. the Government of the Kingdom has accepted the draft Constitution proposed by the Island Council in question.

2. If a Bill is accepted by an Island Council on the basis of less than two-thirds of the votes cast, the condition described in paragraph 1 (b) will be deemed to have been met if that Island Council is dissolved after voting on the Bill, and a new Island Council then accepts the Bill by an absolute majority of the votes cast.

3. If a Bill is approved by an Island Council on the basis of less than two-thirds of the votes cast and the council in question is not dissolved, it will be dissolved by the Lieutenant Governor of the island. The decision to dissolve the standing council shall stipulate that elections for a new Island Council be called within two months and the first gathering of the new Island Council take place within three months of the decision. If the new Island Council then passes the Bill by an absolute majority of the votes cast, the condition within the meaning of paragraph 1 (b) will be deemed to have been met.

#### Article 60b

1. The draft country ordinances of Curaçao and St Maarten established by the Island Council of Curaçao or St Maarten respectively by island ordinance, shall, at the time of entry into force of Sections I and II of the Kingdom Act amending the Charter in connection with the dismantling of the constitutional order of the Netherlands Antilles, acquire the status of country ordinances of Curaçao or St Maarten respectively.

2. The draft country ordinances of Curaçao and St Maarten established by the Island Executive of the Island Territory of Curaçao or St Maarten respectively by island decree or by island

decree containing general provisions, shall, at the time of entry into force of Sections I and II of the Kingdom Act amending the Charter in connection with the dismantling of the constitutional order of the Netherlands Antilles, acquire the status of country ordinances or country ordinances containing general provisions of Curaçao or St Maarten respectively.

#### Article 60c

The Island Executive of the Island Territory of Curaçao or St Maarten may together and with one or more other governments of the Countries of the Kingdom enter into draft mutual arrangements, which shall acquire the status of mutual arrangements within the meaning of Article 38, paragraph 1, at the time of entry into force of Sections I and II of the Kingdom Act amending the Charter in connection with the dismantling of the constitutional order of the Netherlands Antilles.

#### Article 61

The Charter shall enter into force on the date of its ceremonial promulgation, after approval by the King. Prior to its approval the Charter must be accepted in respect of the Netherlands in the manner provided for in the Constitution of the Kingdom; in respect of Suriname and of the Netherlands Antilles by decision of the representative assemblies. Such a decision shall require two-thirds of the votes cast. If such a majority is not obtained the States shall be dissolved and the decision shall be effected by the new States by an absolute majority of the votes cast.

#### Article 62

(Rescinded)