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Turfmarkt 147
2511 DP The Hague

Our reference
2024-0000791784

Your reference

Date 25 oktober 2024
Re Proposed decision to establish Foundation for the Slavery Past
Memorial Committee

With this letter, I initiate the 30-day preliminary scrutiny procedure for the proposed decision to establish the Foundation Slavery Past Memorial Committee. This is in line with Section 4.7 Subsection 1 under a of the Government Accounts Act 2016 (Comptabiliteitswet 2016) and the Framework for Foundations (Policy Framework for Involvement of the Central Government in the Establishment of Foundations, 2006).

Following the apologies of the Cabinet of the 19th of December 2022 regarding the Slavery Past of the Dutch Nation (Parliamentary Papers II 36 284, no. 1), steps were taken, in good consultation with the communities concerned, to give substance to the apologies. An important step as a follow-up to the apologies is the establishment of an independent Memorial Committee to oversee the interpretation and organisation of a grand, dignified remembrance of the slavery past. The House of Representatives was informed accordingly by letters dated the 15th of June 2023 (Parliamentary Papers II 36 284, no. 31) and the 22nd of April 2024 (Parliamentary Papers II 36 284, no. 39).

In the letter to the Honourable House dated the 14th of June 2024, my predecessor-in-office announced the intention of the establishment and the remit of the Memorial Committee and mentioned the name of its intended chair, Mrs Astrid Elburg. After extensive informal consultations, she emerged as a chair with strong support from the communities involved and administrative experience. In recent months, Mrs Elburg has liaised with organisations and foundations of a similar background, including the Foundation for the National Committee for 4 and 5 May and the Foundation for the National Commemoration the 15th of August 1945. Visits were also made to many stakeholders and administrators. The latter with the intention of gaining more knowledge on what the future Slavery Past Memorial Committee should and should not take into account when further developing the remit for the Memorial Committee.

The councils of the countries (islands) in the Caribbean part of the Kingdom and the board of NiNsee were also asked to nominate a member for the Memorial Committee. A number of nominations have already been received. The Republic of Suriname also has the option, if it so desires, to nominate a member of the board.

This summer, in line with the framework for foundations, this intention was reviewed by the Independence Review Committee, resulting in a positive opinion.

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Formal consultations were also held with the Netherlands Court of Audit on the proposed establishment.

The Review Committee recommends timely evaluation of the chosen governance model (amongst others without a Supervisory Board) and the progress on the objectives. I shall commission the evaluation after two years so that the Foundation can incorporate the lessons learnt from NiNsee for the organisation of a commemoration. The lessons learnt can then also be passed on to possible new board members when new directors shall be appointed after the first three-year term. The Committee also recommends that I arrange liaison between the Committee and my department through an official adviser. The role of official adviser has explicitly been included in the Articles of the Foundation.

The Netherlands Court of Audit points out that the Government Accounts Act 2016 (Comptabiliteitswet 2016) does not have extraterritorial effect. The Netherlands Court of Audit therefore argues that provision should be made for the availability of information on the lawful and efficient spending of subsidies outside the Netherlands, e.g. in Aruba, Curaçao, St. Maarten, and Suriname. I shall include provisions in the subsidy conditions and spending regulations of the Foundation so that information on lawful and efficient spending of subsidy funds outside the Netherlands is available and comparable to provisions in the Government Accounts Act 2016 (Comptabiliteitswet 2016). In addition, the subsidy conditions and the spending regulations of the Foundation shall explicitly mention that the Netherlands Court of Audit obtains access to relevant information for audit purposes, as the occasion arises.

The Netherlands Court of Audit also draws attention to the risk that the role of the so-called official adviser may interfere with the independence of the Committee. We confirm that precisely also because of the experience with similar foundations, the role of the official adviser is indeed to give shape to the substantive role with my department and to ensure that, to the board of the Committee, the Hague network is quickly accessible. As recommended by the Netherlands Court of Audit, this shall also be included in the evaluation of the Memorial Committee. The rationale for the intention to establish the Foundation is enclosed to this letter (enclosure 1). Also enclosed are: the draft articles of the foundation (enclosure 2), the opinion of the Independence Review Committee (enclosure 3), and the letter from the Netherlands Court of Audit (enclosure 4).

I sent a similar letter today to the President of the Senate of the States General. As the Memorial Committee can only be set up after the completion of this preliminary scrutiny procedure, I shall inform the Honourable House of the progress in the first half of 2025.

The Minister of the Interior and Kingdom Relations,

J.J.M. Uitermark