

# **Claim for Reparations for Transatlantic Chattel Slavery (TCS) and Colonialism Against the Netherlands on Behalf of the St. Martin People**

## **1. Introduction**

The case for Reparations against the Netherlands (aka Dutch/Dutch State, used interchangeably here) results from the egregious crimes against humanity committed by the Netherlands against the St. Martin People. The People feel justified in their request for justice for the damages committed against them and their ancestors, and the One St. Martin (One SXM) Association presents the following case on behalf of the People of St. Martin.

## **2. The Facts**

In addition to the atrocities committed by the Netherlands throughout the Caribbean region over centuries, on the island of St. Martin, the Dutch engaged in enslavement, trafficking, and the financing of the Transatlantic Slave Trade of Africans, the ancestors of the majority of the St. Martin People. This brand of slavery is known as Transatlantic Chattel Slavery (TCS, Robinson, 2023).

After forcing the St. Martin People into the colonial enterprise called the Kingdom of the Netherlands, to quell the international community's call for decolonization, for decades the Netherlands maintained Colonialism in the Caribbean under the guise of "autonomous" territories via a number of constellations.

Slavery and the Transatlantic Slave Trade are crimes against humanity, acknowledged by the United Nations. As a member of the United Nations, the Netherlands has acknowledged that it committed these crimes and issued formal apologies on December 19, 2022 and July 1, 2023. However, the Prime Minister of the Netherlands has subsequently stated that the Netherlands would not be engaging in discussions regarding Reparations.

In 2001, Europe acknowledged Colonialism as a crime against humanity, yet in 2023 the Netherlands continues to commit this crime against the St. Martin People.

The Netherlands created the legal, financial, and fiscal policies for the enslavement and trafficking of Africans and the continuation of Colonialism in St. Martin. Although the Netherlands issued formal apologies for its criminal activities of the past, there remains outstanding an unequivocal commitment to discontinuation of Colonialism and disbursement of Reparations—defined by the United Nations as restitution, rehabilitation, compensation, satisfaction, and guarantees of non-repetition.

### 3. The Claim

Recognizing that the Netherlands cannot render restitution of the situation resulting from TCS and Colonialism, One St. Martin demands that the Netherlands pay Reparations in the form of rehabilitation, compensation, satisfaction, and guarantees of non-repetition. Using the United Nations definition of Reparations and CARICOM's 10-point plan as a framework, One St. Martin demands the following from the Netherlands. The demands proposed in the following section are to be negotiated by terms established by the People of St. Martin.

- I. **Full Formal Apology:** Now that the formal apologies have been rendered by the Netherlands, One St. Martin demands that the Netherlands complete the formal apology by unambiguously committing to Reparations in the form of guarantees of non-repetition and a commitment to cooperating with St. Martin in its transition to a self-reliant and sustainable sovereign society by July 1, 2030. The period leading to July 1, 2030 is designated as the Transition.
- II. **Repatriation:** One St. Martin demands that the Netherlands recognize the rights of St. Martin People to return to their ancestral homeland and commit to compensation for the establishment of a Repatriation and Integration Program in the Transition. The Netherlands must cooperate by utilizing all available channels of international law and diplomacy to facilitate this process for citizens wishing to return. The Netherlands must further commit to the return of artifacts taken from St. Martin by or on behalf of the Netherlands.
- III. **Indigenous Peoples Development Program:** One St. Martin further demands that the Netherlands commit to compensation of an Indigenous Peoples Fund for research, rehabilitation, and preservation of the indigenous peoples' heritage on the island.
- IV. **Cultural Institutions:** One St. Martin demands that the Netherlands commit to compensation of a Cultural Heritage Fund for the construction and sustainable funding of cultural institutions such as museums, cultural and research centers, and national archives that serve to enlighten the People about their history and prepare them to shape a more empowering and sustainable future.
- V. **Public Health and Social Security:** One St. Martin demands that the Netherlands commit to the compensation of a National Health and Social Security Service Fund to facilitate the transition of the current healthcare system to one that provides free medical coverage for all the People during the Transition and construction of a self-sustaining healthcare institution by 2030.
- VI. **Illiteracy Eradication:** One St. Martin demands that the Netherlands commit to the compensation of an Illiteracy Eradication Fund to overhaul the current education system in the territory to create a system centered on the St. Martin People's cultural identity so that all St. Martin children will have a grounding in their cultural identity and equitable access to high quality education up to university level. The new education system must be self-sustaining and prepare

- students in St. Martin to remain competitive globally and contribute to a successful St. Martin economy in a meaningful way.
- VII. **Higher Education:** One St. Martin demands that the Netherlands commit to compensation for a modern, state-of-the art, public National University of St. Martin to provide world-class post-secondary education to the People. Further, the Netherlands must commit to compensate the National Scholarship Fund to provide scholarships to all St. Martin students wishing to study at global institutions during the Transition and the establishment of a sustainable program up to 2055.
  - VIII. **Salt and Agriculture:** One St. Martin demands that the Netherlands compensate the People for the labor and removal of salt from St. Martin by and for the Netherlands without compensating the People for their cultural patrimony. The Netherlands must further commit to compensation of an Agricultural Fund to enable the People to build self-sustaining infrastructure and programs during the Transition.
  - IX. **African Knowledge Program:** One St. Martin demands that the Netherlands commit to the compensation of an African Studies Fund to restore the knowledge lost by the St. Martin People of African descent due to their forced extraction from their ancestral homeland, resulting in cultural alienation. The fund will facilitate exchange programs and curriculum development, and the restoration of knowledge of Africa will help all the St. Martin People begin the process of healing and repair.
  - X. **Transfer of Technology:** One St. Martin demands the funding of a Knowledge Commission Fund at the National University of St. Martin to research the global trends in research, science, and technology, ensuring that they regularly get incorporated into the regular knowledge and skills development programs at the University and other educational institutions.
  - XI. **Rehabilitation and Compensation for Psychological Trauma:** One St. Martin demands that the Netherlands commit to the compensation of a Psychological Rehabilitation Fund that would treat the rehabilitation of the People from the intergenerational psychological trauma inflicted upon them as a result of TCS, continued Colonialism by the Netherlands, and structural racism that persist in the nature of the relationship and representation in the Kingdom.
  - XII. **Bestowing Justice:** One St. Martin demands that the Netherlands commit to the compensation of a People Justice Fund to overhaul and transition the current justice system to one centered on the St. Martin People's cultural values and language. The new system will be based on the international tenet that the People should be adjudicated by their peers and will guarantee equal justice for all St. Martin People.
  - XIII. **International Financial System Accessibility:** One St. Martin demands that the Netherlands commit to the compensation of a National Bank Fund to facilitate the transition of the current banking system to one that is self-

- sustaining by 2030. The Netherlands must also commit to the removal of systemic barriers that limit the access of the economy of St. Martin to the international market.
- XIV. **Climate Justice:** One St. Martin demands that the Netherlands commit to the compensation of a Climate Justice Fund that will serve to rehabilitate the St. Martin People from the harmful climate conditions resulting from Transatlantic Chattel Slavery and Colonialism and render justice in the forms of risk reduction and adaptation to climate change.
- XV. **Debt Cancellation:** One St. Martin demands that all “debts” to and “loans” by the Netherlands placed on the current and future generation of the St. Martin People be cancelled with immediate effect. This includes the return of any amounts already paid in full, any portion of loans already paid, and the interest paid on such loans.

#### 4. The Basis of the Claim

The Netherlands created the legal, financial, and fiscal policies for the enslavement, trafficking, and trading in Africans and built an empire which continues to benefit from the fruits of this enterprise. In 1863, the Netherlands refused compensation to the enslaved People on St. Martin at the time of Emancipation but paid reparations to the enslavers for their “loss of property.”

The question here is not whether the Netherlands committed the crime of Transatlantic Chattel Slavery against the People, as the representatives of the Netherlands have already acknowledged such and issued official apologies in two instances. Colonialism in St. Martin is a continuation of the discrimination that is rooted in Transatlantic Chattel Slavery. Furthermore, when the Netherlands engaged in chattel Slavery, it involved the entire island, and the continuation of colonialism affects and impacts all of the People of St. Martin.

Acknowledging the underdeveloped state of the People of St. Martin (and other islands in the Caribbean), the Netherlands engaged in a number of actions under the guise of “reform” and hastily issued an apology in 2022 after increasing calls by the People against the heavy-handed implementation of the “reforms.” In his introduction to the Brattle Group report on reparations for Transatlantic Chattel Slavery, member of the International Court of Justice Patrick Robinson<sup>1</sup> maintains that “one of the most important legal requirements in reparations is to establish causation, that is, that the alleged injury or damage is the consequence of the wrongful conduct of the States that carried out TCS.” It is evident that

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<sup>1</sup> Patrick Robinson, Introduction to the Report on Reparations for Transatlantic Chattel Slavery (TCS) in the Americas and the Caribbean, June 2023.

the cause of the underdeveloped condition of the St. Martin People is the Netherlands' engagement in Transatlantic Chattel Slavery and Colonialism.

When the leaders of the Netherlands issued the formal apologies on December 19, 2022 and July 1, 2023, they did so with the knowledge that the People of St. Martin were dissatisfied with the conduct of the State and were unrelenting in their call for Reparations. This Reparations claim is a call for justice for the People of St. Martin, both for TCS and Colonialism.

Further, Robinson claims that “the essence of chattelization was the discriminatory treatment of Africans as things, the denial of their humanity and personhood.” As the perpetrator of these crimes, the Netherlands is not in the position to determine the penalty for the crimes but must be condemned to make a commitment to repair the harm caused by Transatlantic Chattel Slavery and Colonialism, including the psychological damage, which, according to Robinson, is an “inevitable consequence of wrongful acts” by the Netherlands. The Netherlands has an obligation to repair the psychological trauma caused to the People so that they can be restored fully.

A commitment to Reparations by the Netherlands must also entail a commitment to decolonization of the Caribbean region and transitioning of St. Martin to a self-sustaining, sovereign state by July 1, 2030. If the Netherlands is sincere in its shame and repentance for Transatlantic Chattel Slavery and its role in the structural underdevelopment of the islands, it would honor the people's quest to be fully free of colonial domination.

## **5. Conclusion**

The aforementioned Brattle Report lays out the legal obligation for Reparations and quantifies the debt the Netherlands has to Guyana and Suriname. While the exact figures for St. Martin are yet to be determined based on further research, and cognizant that the cost of the claim here will not add up to what will be established once the research is complete, One St. Martin is demanding that the Netherlands be held to account and commit to pay reparations to the St. Martin People in the Transition and the balance of Reparations payments be held over in an Independence Fund in 2030.