A bronze sculpture of three enslaved men in chains, one holding a hammer, set against a cloudy sky. The sculpture is dark and detailed, showing the muscular forms of the men and the heavy chains connecting them. The background is a bright, overcast sky with some greenery visible at the bottom.

Disharmony in the Kingdom: Inequalities in refugee protection in Aruba and Curaçao

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Overview

- Methodology
- Postcolonial/Decolonial approaches to migration governance
- Aruba and Curaçao
- A decolonial explanation of disharmony in refugee protection
- A way forward?

The approach

- Comparative case methodology
- Drawing on post-colonial/decolonial analyses of the international refugee protection regime and governance in non-independent states
- Qualitative data analysis (secondary data from UN Treaties Database)

RQ: How do (still) colonized (semi-autonomous) states negotiate the international refugee protection framework?

Postcolonial/Decolonial critiques of the international refugee protection framework

‘...western vision of international refugee law..is predicated on ideas and structures that work in the interests of western nations and against the interests of the developing world and refugees’ (Odhiambo-Abuya 2006, 194)

The Kingdom of the Netherlands

One Kingdom - Four Countries



European & Caribbean

Context

- Caribbean
colon

NL#TIMES

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TUESDAY, FEBRUARY 19, 2019 - 08:51



- Aruba
state

Aruba struggling to deal with influx of Venezuelan asylum seekers

- Aruba
migr

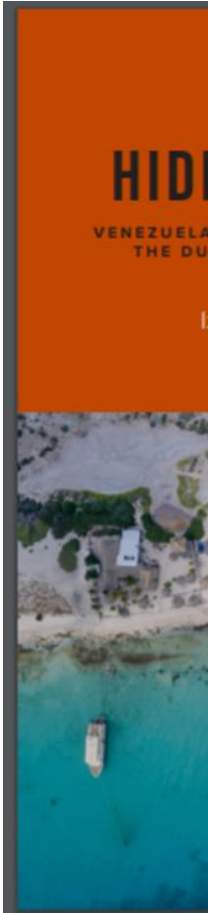
Aruba is struggling to shelter thousands of asylum seekers from Venezuela, fleeing their country to escape [poverty and political chaos](#). The island, which forms part of the Kingdom of the Netherlands, already received more asylum applications than it can handle, ANP reports.

- Curac
strate

In less than two months Aruba received over 200 asylum applications from Venezuelans. According to Prime Minister Evelyn Wever-Croes, the island has too few officials to process all the requests. She also estimates that there are thousands of undocumented Venezuelans on the islands. "We can not take much more", she said.

- Both

responsibility to the venezuelan migration crisis



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February 7, 2023

Curaçao: Authorities still detaining Venezuelans and denying them protection

In the new report published today, *Curaçao: Little improvement in Protection of Venezuelans*, Amnesty International has found that the situation of Venezuelans seeking protection in Curaçao has not substantially improved since it published the report *Still no Safety* in 2021. Despite the small steps the Curaçaoan authorities have taken, they continue denying protection to Venezuelans and detaining them automatically, under inhuman conditions, including children.

For more than a year, Amnesty International followed up on the cases of four men and one woman whose stories had been included in the 2021 report and interviewed them again between December 2021 and October 2022. Their situation in the last year has not improved and in some cases has worsened, such as that of Yusmary, who remained in immigration detention for five months in 2022, or José, who, after he had been detained for almost a year during 2020 and



AMNESTY

PROTECTION IN CURAÇAO

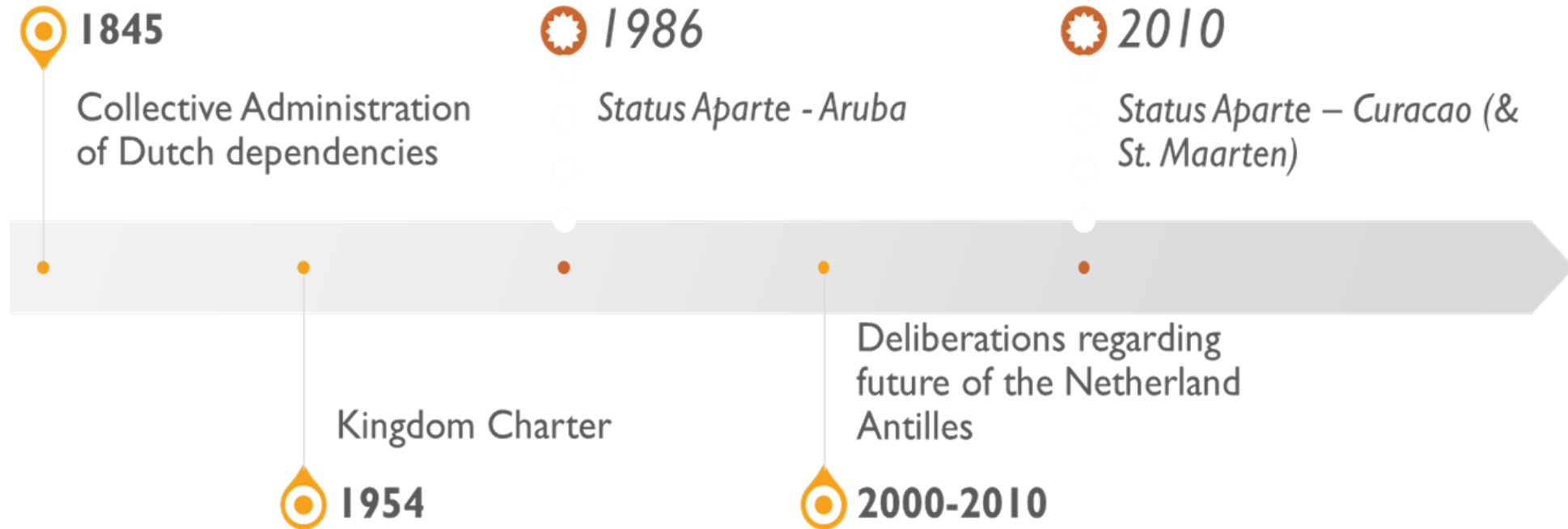


Whither disharmony?

The Venezuelan migration crisis presents an opportunity for harmonization of refugee policy across the Kingdom's constituent parts

(Advisory Committee on Migration Affairs 2019)

Governance in the Kingdom of the Netherlands



Decolonization and treaties

'One necessary exercise will be to review the territorial scope of application of all conventions to which the Kingdom is a party, but which so-far only applied either to the Netherlands Antilles or to the Netherlands' (Rijn 2009, 75)

Convention and Protocol ratification in the Kingdom

Reference: C.N.374.2011.TREATIES-1 (Depositary Notification)

Convention

- The Netherlands (28 July 1951-S)
- Suriname (29 July 1971-TA; 29 N)

Protocol

- The Kingdom of the Netherlands
- Aruba (1 January 1986 – A)
- “Caribbean” parts of the Netherlands
- ‘These changes constitute a modification of the Kingdom of the Netherlands. The subject of international law with the structure of the Kingdom will therefore be the same. The Protocol, as ratified by the Kingdom for the Netherlands, with the reservations made, will continue to apply. Chapter V, Historical Information, November 2010)

PROTOCOL RELATING TO THE STATUS OF REFUGEES
NEW YORK, 31 JANUARY 1967

NETHERLANDS: TERRITORIAL APPLICATION TO THE CARIBBEAN PART OF THE
NETHERLANDS (BONAIRE, SINT EUSTATIUS AND SABA)¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 22 June 2011. The application of the above Protocol to the Caribbean part of the Netherlands (Bonaire, Sint Eustatius and Saba) took effect on 22 June 2011.

23 June 2011



A- accession; R- ratification; S- succession; TA – territorial application

Towards a decolonial explanation

- Technical/Legal
- Political
- Constitutional
- Theoretical

Solution in postcolonial system(s)?

- Completion of review and devolution process
- Succession to and implementation of (imperfect) Convention
- Statuut/Charter (Article 43)
- Regional Collaboration (input of neo-colonial powers)

- Decolonial amendments to Convention and Protocols?

Conclusion

- Dutch Caribbean experience demonstrates postcolonial continuities (cf. Lemberg-Pedersen et al 2022)
- Transformation of refugee protection framework in colonized spaces intricately tied to resolution of colonial anomalies
- Inherent vulnerabilities of Aruba and Curaçao necessarily imply reliance on metropole(s)

Thank you



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