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## Recht doen aan het verleden: de erfenis van 'slavennamen' rechtzetten

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## Summary “Doing justice to the past: correcting the legacy of ‘slave names” - Miranda Gielen & Ruben Ritsema



Following the apologies for the Dutch role in the history of slavery by the government of the Netherlands in 2022 and the subsequent apology by the King on 1 July 2023, it will be temporarily possible to change surnames (family names) related to the slavery history free of charge in the European Netherlands as of 1 July 2024. After the abolition of slavery in 1863, the freed people were not allowed to choose their own surname: this was assigned to them by their master. Descendants of these freed people still bear these names, making it a lasting reminder of the colonial slavery past. The amendment to the ‘Decree on Family Name Change’ makes it temporarily easier to change the surname. The applicant only needs to make a declaration that they are directly descended from an enslaved person. Moreover, there are no costs associated with this change of the surname in the first five years of the scheme, thanks to a reserved amount of € 14.9 million from the ‘slavery past fund’.

The intention is that this additional ground for changing a surname will also apply to Bonaire, Sint Eustatius and Saba (the BES islands), because these islands are part of the Netherlands as special municipalities. However, this change will come into effect later (expected January 2025). For Aruba, Curaçao and Sint Maarten there are no plans (yet) to add this additional ground for changing the surname to the local regulations.

Because there are no amendment proposals for adding this additional ground for name change for descendants of enslaved persons in Aruba, Curaçao or Sint Maarten, the change will create a strange relationship between members of families living in different countries within the Kingdom with respect to name law. Many families of enslaved people live spread across different countries within the Kingdom and within the Caribbean, as a direct result of the slave trade or due to increasing mobility in the modern world. Differences in name law within the Kingdom are also not in line with the objective of the Statute of the Kingdom, which sees the Kingdom as one jurisdiction. In the interest of equality and justice within the entire Kingdom, the new regulation should therefore apply to all Kingdom citizens, including Aruba, Curaçao and Sint Maarten.

Because the history of slavery is a shared history of all countries of the Kingdom, the authors call on the governments of Aruba, Curaçao and Sint Maarten to make the same amendment ground available to their residents. In addition, the authors would like to see that free changes of surnames by descendants of enslaved people remains available for longer than five years. Furthermore, they refer to the duty of the government bodies involved to inform interested parties about the additional costs involved which are not reimbursed – such as costs involved in adjusting identity documents and other official documents.

