

Translation of letter to the Executive Board of the Bonaire Authority

1st of July 2015

As you are aware since 10 October 2012 the National ombudsman has been empowered to deal with complaints about the public entity Bonaire. I received 28 complaints about the public entity in 2014. During the most recent working visit in March this year I again heard numerous complaints about the public entity. Although the subjects vary, I notice that a majority of the complaints are about land/groundlease matters handled by the Department of spatial planning and development. Most complaints relate to the absence of a response from the public entity, no or inadequate provision of information to the public and/or the long time that it takes to resolve a complaint.

The provisions made in Chapter 9, Title 1 of the General Administrative Law Act concerning the internal handling of complaints do not apply to the local authorities in the Caribbean Netherlands. Therefore, the National ombudsman is required to initiate an investigation into any complaint about the public entity. This is done by submitting the complaint to the public entity by e-mail inquiring whether a solution can be found to the problem (by means of intervention). In many cases the public entity failed to provide an initial response within two weeks and we had to remind the public entity (sometimes repeatedly). The talks held with the island secretary and relevant heads of department during our half-yearly visits about the progress being made were constructive and frequently helped to speed up the process. Despite the reminders and talks, however, both I and members of the public are still waiting for the public entity to take action or make known its position. What's more, I'm continuing to receive complaints of this kind. I am bound to tell you that in some cases I am unable to deal with the complaints properly. This situation also jeopardises the services provided to the public. The governor was informed of this during a conversation on 11 March 2015.

In view of the matters outlined above, I am now starting a formal investigation into five cases. My objective in conducting such an investigation is to ensure that the public entity devotes greater attention to providing good services to the public, including how it deals with complaints, and to find out what is going wrong at present and the structural solutions that are necessary. I will make public a report containing my findings and conclusions. The report will give an opinion on the working practices of the public entity in the five cases and will finish with recommendations for improvements if warranted by the outcome of the investigation.

You will find the five cases in the enclosed letters. The public entity should respond to each case separately. We must receive a response from you within four weeks.

Please note that my investigation of these five cases does not mean that you can stop looking for a solution in the cases concerned. I would like to be kept informed of what is happening.

This letter will be made public by placing it on our website. A copy of the letter has been sent to the Kingdom Representative and to the Evaluation Committee Caribbean Netherlands.