

OFFICE OF THE OMBUDSMAN OF THE GAMBIA
PRESENTATION TO IOI 10TH WORLD CONFERENCE
TOPIC: DECENTRALISATION AND SENSITISATION IN THE FACE
OF FINANCIAL CONSTRAINTS

Background

The creation of the Office of the Ombudsman was initiated by His Excellency the President, Sheikh Professor Alhaji Dr. Yahya A.J.J Jammeh. This is to his credit because there was no Ombudsman office in either the colonial period or the First Republic which lasted for 33 years. The President was all out to ensure good governance through accountability, transparency, probity and the fight against corruption. His intention is clearly manifested in his speech at the opening workshop on developing the role of the Office of the Ombudsman in the Gambia. He said: "There was a dire need to produce a system of appeal equivalent to that found in the judicial system. The right to appeal to high authorities is the most important process for rectifying erroneous decisions. Moreover, the traditional controls over Government bureaucracy, that is the legislature and the courts, have proved inadequate avenues of redress for the citizen against the might of that bureaucracy.

Since its inception, the office of the Ombudsman continues to take centre stage in the implementation of Government's agenda in promoting good governance, human rights and anti- corruption. The issue of decentralization has also been accorded top priority. In the face of limited financial resources, the office has been able to network and collaborate with local government authorities, especially the regional governors, chiefs and non-government institutions to set up offices and operate in rural areas, thus making the services of the Ombudsman available to the ordinary citizens.

The Ombudsman's role should not be viewed in isolation; it should be viewed in the general context of development. The aim of all governments is to seek higher standard of living for their people. The creation of Ombudsman institutions by various governments is not a cosmetic exercise, rather it is for the pursuance of the lofty ideals of good governance in which ombudsman institutions occupy pride of place. The Ombudsman institutions will therefore not cease to be relevant as long as they live up to the reasons of their existence.

In the Gambia, the Office of the Ombudsman occupies an important place in the development agenda of the country from the time of its inception. The recent development blue print, of The Gambia dubbed PAGE: Programme for Accelerated

Growth and Development also recognize the Office of the Ombudsman under its fourth pillar; namely promoting good governance and fighting against corruption.

I am aware that the mere alignment of the ombudsman institution with development blue print of a country is not enough; there should be deliberate efforts towards making it more relevant and accessible to the people

This is because accessibility for an ombudsman institution cannot be considered addressed in the absence of decentralization and sensitization, which is also in tune with the Gambia Government's Decentralisation Programme. Through decentralisation, justice is brought to the door steps of the people. It should be noted also that when people do not know what and how they can benefit from the services of the Ombudsman, then the purpose of decentralisation has truly not been served; hence decentralisation and sensitisation remain priority areas for my Office in order to stay relevant and accessible. .

For the purpose of this paper we take a look at how we are able to forge ahead in bringing justice to the door step of the rural people in the face of financial constraints.

Decentralisation

From 1999 to 2007, the Office of the Ombudsman had existed for eight years with a single office located in Bakau. For nine years its services were largely utilized by the urban people; that is, inhabitants of Banjul and environs.

My Office has begun a decentralisation programme, as part of which we intend to set up offices in all administrative regions of the country. The programme is gathering pace since the establishment of our first regional office in Basse in 2008. The Basse office serves as the Regional Office for both Upper River Region and Central River Region.

In April 2011, we opened another regional office in Mansakonko, which serves both Lower River Region and North Bank Region. Plans are at an advanced stage to open an office in Kerewan which is the regional headquarters of North Bank.

As we endeavour to open more offices in the regions, we ask the question, "will rural people make use of ombudsman services like people in the urban areas?."

Before the Office embarked on its decentralisation programme, very few complaints were coming from the rural areas. This is indicative of the fact that the provincial people were living with their grievances without any recourse to redress. The main reasons being: that they did not have ombudsman office close to them and the lack of awareness about the existence of the office was very low.

It's not absence of maladministration in regional institutions, rather maladministration was rife in such institutions; its not because public officers in the regions were not abusing their powers and trampling on the rights of rural people; indeed the public officers in the regions trampled on the rights of the people emboldened in their disregard for the rights of the rural people by the prevalence of illiteracy and low awareness in the regions. My Office is determined to raise the awareness of the people and set up offices in the regions.

Our efforts are already creating the impact we envisaged. The rural people are lodging complaints at the ombudsman regional offices. They are using the services being rendered by our regional offices and public officers are becoming more careful regarding how they treat the people. This tells us the previous status quo of centralization has simply excluded the rural people; whereas decentralisation has involved the rural people.

I ask the question: how can Ombudsman office expand to the provinces without the requisite funds at its disposal?

Like other Ombudsmen, financial constraints pose a major threat to the effective functioning of the Office. However, it is with great resolve that we continue to forge ahead in the face of this major challenge, albeit at a slower pace.

As we continue to grapple with financial constraints, what needs to be done is to develop strategies in order to get over the hurdles presented by inadequate funding. For example, we have employed the following strategies in order to get going in our Decentralisation Programme.

Mergers

Each Regional Office serves two regions: the Basse office serves as the Regional Office for both Upper River Region and Central River Region; and the Mansakonko Office serves as the regional office for both Lower River Region and North Bank Region.

Combining Responsibilities

Investigations in each regional office; that is, both Mansakonko and Basse, are being handled by a Principal Investigator who is also the head of the office. The secretaries in both offices are trained on how to take down complaints, thus carry out the responsibilities of Secretary cum complaints officer. The Cleaners also serve as Messengers. The same arrangements are being put in place for the Kerewan office which is set to start operations this year.

SENSITIZATION

Among the functions of the Office of the Ombudsman is to investigate complaints of maladministration, mismanagement, unfair treatment, abuse of power, injustice etc perpetrated by public officers against fellow public officers, or against other members of the public in the course performing official duties.

It is important for the Office to adequately sensitize members of the public to its Roles and Functions so that people will know the services that the Office offers and subsequently utilize such services.

On a daily basis, scores of Gambian citizens and residents come in contact with public officers, while trying to access certain essential services. In the process, some have their rights trampled upon, but go without benefiting from any form of redress, because the courts are the known avenues of channeling grievances for adjudication, but people are hindered by several factors to access justice in the courts; such as the means to pay for legal representation, the protracted nature of cases, etc. For such people, the Ombudsman could be of invaluable help in terms of rendering redress speedily and free of charge.

Within the public service a good number of people are equally falling victims of administrative injustice of all sorts: wrongful termination/dismissals, denial of different forms of benefits and promotions, but since most of these people are not aware of Ombudsman services, it becomes imperative for the Office to embark on massive sensitization, therefore, in our quest to reach all categories of people, to sensitize them to the role and function of the Office of the Ombudsman; and how they can access the services of the Office, we employ various strategies; such as: Radio programmes, Television programmes, workshops, institutional clinics and community clinics.

Workshops

The workshops are usually organized for Chiefs, Alkalolus and Heads of Public Institutions. They provide an opportunity to meet with people and hear their perspectives regarding the work of the Office.

We also organize these workshops to help lay the foundation for subsequent sensitisation programmes. This is because the participants at the workshops are all heads of various institutions, and since these are the people to be relied upon for future clinics in terms of mobilizing the people of their districts, villages, or people that work under them, the partnerships forged as a result of these workshops, will make the people lend their full support to the Office.

One of the objectives of these workshops is to build awareness at the top with the hope that they also transmit the information received to junior members of their institutions. Normally copies of presentations at the workshops are given to participants, and we always urge them to make such copies available to the people they work with.

The people we target as participants at the workshops are important to the effective functioning of the Office. For our regional offices to function effectively, the understanding and cooperation of heads of public institutions is vital.

These workshops have contributed immensely towards creating awareness among public officers as to what is required of them under the Constitution and the Ombudsman Act in relation to the work of the Office. These types of contacts with public officers during workshops can help to foster a professional and a cordial relationship between them and the Ombudsman officials on the ground. This type of a relationship can make the job of an investigator more effective: letters can be responded to, interviews granted, information in the form of documents furnished on time, leading to a speedy dispensation of justice.

The workshops are research oriented. It provides us as a means of feedback, thus we can seek improvements in what we do in line with the aspirations of the people. For example three areas continue to be raised by people; namely, the need for the office to continue with more sensitizations; need to bring the private sector within the jurisdiction of the Office and finally for the office to set up branches in their regions. We, therefore, continue to redouble our efforts in order to meet the expectations of the people in these areas.

Institutional and community clinics (sensitisation meetings)

These are similar to the workshops in terms of message. However these are informal meetings. For example institutional clinics are held for individual institutions so that when we go to a particular institution, say a police station, the station officer, who must have been present at one of the workshops, will call all his men and then we have a session with them within the premises of their station. Unlike the workshop in which participants come from different places to converge at a hired hall, in institutional clinics no halls are hired and participants are not paid transport refunds.

community clinics also follow the same process in which case village head known as *Alkalo* invites the villagers to a village square or any other venue of their choice within the their village. Through these types of clinics a greater number of persons are reached, because the number of participants is not curtailed as in workshops. The meetings are held in the halls of institutions or under a big tree within institutions premises.

Radio and Television

The Radio and Television programmes that we had, in addition to the clinics, have increased levels of awareness among the public regarding the role and functions of the Ombudsman. We have registered complaints as a direct result of those sensitization programmes. These victims of administrative injustice had either been enduring their conditions, nursing their grievances, or had simply resigned to their fate prior to their knowing the Office as a provider of free-of-charge redress to all aggrieved persons.

Although an increasing number of people have been adequately sensitized, we cannot rest on our laurels; still majority of the Gambian people have not been reached but with this trend very soon the Ombudsman will become a household name. Even some educated persons in top positions, are not sufficiently aware of the role and function of the Ombudsman.

We remained committed to a multiple approach. Although the Gambia Radio and Television Services (GRTS) has a nationwide coverage, it is equally true that the audience of GRTS at any moment comprises only a very small number of the population. People will only get the message on different stations, different days and at different times.

Away from the Greater Banjul Area, people listen more to their Community Radios / FM Stations than to GRTS; and even depend on these FM stations to listen to GRTS News as all FM stations connect to GRTS (Radio) in order to air national news. Even in the Greater Banjul Area FM Radio stations, which are mushrooming all over, are very popular. It is for this reason that in order to drive home the Ombudsman message to these people, we decided to have programmes on FM stations and community radios in addition to the ones on GRTS.

The success registered is due partly to the strategies employed. For example, as Television and Radio programmes could be expensive, we have sometimes employed a strategy to avoid cost by channeling our programmes through certain producers whose programmes have a bearing on the work we do.

Conclusion

With sustained effort in our twin programmes of decentralisation and sensitisation, the Office of the Ombudsman will continue to register unqualified success in its work. Through these programmes we are able to make justice accessible to the people in diverse ways.

Setting up new offices close to the people ensures that they have a place close by where they can easily go to seek redress.

Through the various sensitisation strategies such as clinics and workshops, people ask lots of questions and we advise accordingly. If we realize that some of the issues raised can be a matter for investigation, we ask them to see us immediately after the meetings to write them down for possible investigation.

Although countries have their peculiar situations and different strategies may work for different countries according to their circumstances, it is my hope that strategies shared in this paper can be very useful for other ombudsman institutions towards improving the ombudsman's work and accessibility.

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-DECENTRALIZATION AND SENSITIZATION IN THE FACE
OF FINANCIAL CONSTRAINT WELLINGTON NEW ZEALAND
12TH -16TH NOVEMBER 2012

PRESENTED BY ALHAJI. B. SOWE
OMBUDSMAN OF THE REPUBLIC OF THE GAMBIA

BACKGROUND



- The concept of the Ombudsman in the Gambia is a direct creation of the military take over of July 22nd 1994 led by His Excellency Shiekh Professor Dr. Alhaji Yahya A. J. J. Jammeh
- A high level Task Force was set up charged with the responsibility to provide a comprehensive national program for establishing and strengthening democratic institutions in The Gambia
- Section 163(1) of the 1997 Constitution of the Republic of The Gambia provides for an enactment of the Ombudsman Act 1997 to investigate any action taken by a government department or other public body , on a complaint by a member of the public who claims he/she has suffered injustice as a result of maladministration or mismanagement on any grounds set out in chapter IV (protection of Fundamental Rights and Freedoms) in connection with such actions.

DECENTRALIZATION



- 1999-2007 – operating only in urban area for almost 9 years.
- I was appointed in November 2007 as Ombudsman and immediately thereafter a Decentralization program was mapped out to set up offices in all the Administrative Regions.
- The Regional Office in Basse was set up in 2008 serving 2 regions- Upper River Region and Central River Region.
- Mansakonko Office set up in 2011 serving Lower Region and North Bank Region.
- Plans are underway to open another office in 2012 at Kerewan in the North Bank Region.
- Endeavour to open more offices- to enable rural people to make adequate use of Ombudsman services- aimed to bring service to the door step of every Gambian.
- Decentralization has been feasible through collaborating with Government departments such as the Ministry of Agriculture, Ministry of Finance Governors.
- Strategies to get over hurdles presented by inadequate funding.

MERGERS



- Each regional office is serving 2 Regions
- The office is collaborating with Ministries and other established Government Departments to use their available office space until we have sufficient funds allocated.

COMBINING RESPONSIBILITIES



- The Secretaries are being trained to serve as secretaries and Complain Officer
- Watchmen/ cleaner perform as Messengers. Their salaries are on Grade 3 which is higher than the normal Grade of these category of officers within the civil service

SENSITIZATION



- Office sensitizes members of the public on its role and function e.g. Maladministration, mismanagement, unfair treatment , abuse of power, injustice etc.
- The nature of our services is unique cost free, quickly confidential and thereby creating a win - win situation which goes down well with our culture, religion and traditional practices.
- Peace does not only mean in the absence of war.

FORMS OF SENSITIZATION



- Regional Workshops for Heads of Public Institutions Chiefs and Alkalolus.
- Meet with people and hear their perspectives on work of Ombudsman.
- Workshops organized to lay foundation for subsequent sensitization programme.
- Workshops are research oriented.

INSTITUTIONAL AND COMMUNITY CLINICS



- Institutional clinics are similar to workshops but held informally for individual institutions like the Army, Police immigration etc.
- (A form of meeting the people in their workplace to sensitize them).-cost effective.

COMMUNITY CLINICS



- Office works with village heads(Alkalo)- villages are invited and sensitized on the role and function of the Ombudsman and how they can access its services.
- Through Community clinics we are able to reach out to a lot people which compliments our sanitization efforts .
- Very interactive, participants exchange views.

RADIO AND TELEVISION



- Reach out to more people by this method.
- More people come to complaint due to radio sensitization programs.
- All community radios FM stations and National Radio are used.
- Phone in Television and Radio programs are also used.
- To reduce cost the office collaborates with TV producers through interviews with Ombudsman, Deputy Ombudsman on the role and function of the Ombudsman and how its services could be accessed

CONCLUSIONS



- sensitization are key in our office activities, Plans are underway to continue sensitization (e.g community clinics, radio and TV programme etc.) to reach the average Gambian.
- Furthermore successes are registered due to the strategies employed in our twin program of sensitization and decentralization.
- Continue to collaborate and network with community leaders and all stakeholders to forge ahead.