



Open Government Partnership (OGP) Webinar Series

The role of Ombudsman in advancing Open Government

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10:00-11:00 AM EST



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Ombudsmen and Open Government

A productive partnership

Context

- Irish aspiration to OGP membership
- International Ombudsman Institute work with OGP and World Bank
- Strong commitment of Ombudsmen to promoting Open Government; accountability; citizen engagement and improved public services
- Some Ombudsmen already active e.g. Peru, Costa Rica

OGP aspirations

- Making Governments
 - more transparent,
 - more accountable, and
 - more responsive to their own citizens.

OGP aspirations & Ombudsmen

- Making governments
 - more transparent – highlighting individual and systemic failures
 - more accountable – assisting parliaments in holding governments to account, and
 - more responsive to their own citizens – offering an avenue to redress when things go wrong and driving wider improvements in public services.

Grand Challenges

- Improving public services
- Increasing public integrity
- More effectively managing public resources
- Creating safer communities
- Increasing corporate accountability

Brief history

- Sweden
 - Agent or representative of the people
 - The King's Ombudsman (1713) - to ensure that the judges, military officers and civil servants in Sweden were observing the laws of the country and the rules laid down for them.
 - The Swedish Constitution of 1809 established the Parliamentary Ombudsman of Sweden – independent of the Executive.
- Denmark
 - Established in 1955
 - The forerunner of most modern Ombudsman schemes

International Reach

- Parliamentary Control bodies in more than 135 UN member states
- International Ombudsman Institute (IOI) established 1978
 - 160 voting members
 - 90+ countries
- General Secretariat in Vienna supported by Austrian Ombudsman Board
- Is encouraging Ombudsmen to be active in OGP agenda

Ombudsman Criteria

- Independence
- Fairness
- Effectiveness
- Openness and transparency
- Accountability
- Excellent complaint handling and
- Good Governance

Beyond the law

- Rule of Law +
- Maladministration
- Fair treatment
- Own initiative

Promoting good administration

- Returning complainant to pre-injustice position
- Correcting practice
- Highlighting wider failings
- Securing changes to guidance and the law

Transparency promoting learning

- Annual reports
- Individual cases
- Systemic reports
- Casebooks
- Court of public opinion

Ireland and OGP

- Government agreed to join in May 2013
- Action Plan to be published at OGP Europe Conference in Dublin in May 2014
- Draft prepared in conjunction with Civil Society Forum

Proposals from Ombudsman

- Constitutional recognition
- Guardian of public interest
- Right to good administration
- Comprehensive remit (publically provided and not)
- Statement of public service values
- Liabilities registered
- Code of Conduct

Proposals from the Ombudsman

- Open policy making pilot with NGOs and citizens
- Promotion of voter engagement
- Record management
- Data transparency Code

Role for Ombudsmen

- Contributing to Civil Society dialogue
- Contributing to Action Plan
- Implementing proposals
- Monitoring implementation
- Monitoring outcomes and proposing refinement/extension

Conclusion

- Integral part of Open Government
- Accessible to individual citizens
- Strong track record in protecting rights and securing change
- Often active in critical areas such as immigration, police and prison
- Through partnership between IOI and OGP can be drawn into a more effective engagement
- World Bank engagement can strengthen and further extend the institution, securing the rights of citizens internationally

The Role of Ombudsmen in Advancing Open Government – Lessons from Latin America

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Framing the role of ombudsmen and Open Government

- Approximately, 120 national-level ombudsmen offices in existence in 2014
- ‘Hybrid’ ombudsmen (combining a human rights & good administration mandate) enjoy robust:
 - *Protective powers* (complaint-handling; compel information; subpoena witnesses; court referral)
 - *Promotional powers* (education and awareness-raising; special reports; public inquiries; national campaigns)
 - Formally independent (do not receive instruction from any higher authority)

Calibrating expectations in light of context

- The challenge presented by weak institutions and newly democratic contexts
 - *Weak rule of law*: formal rules often contested, changed and violated
 - *Cultural obstacles*: election to political office implies responsibility, not accountability
- Ombudsmen are often dealing with difficult problems (e.g. pensions, health, environment) on behalf of disadvantaged groups in society
- Accountability vacuum in such settings may explain prominent national profile of many ombudsmen

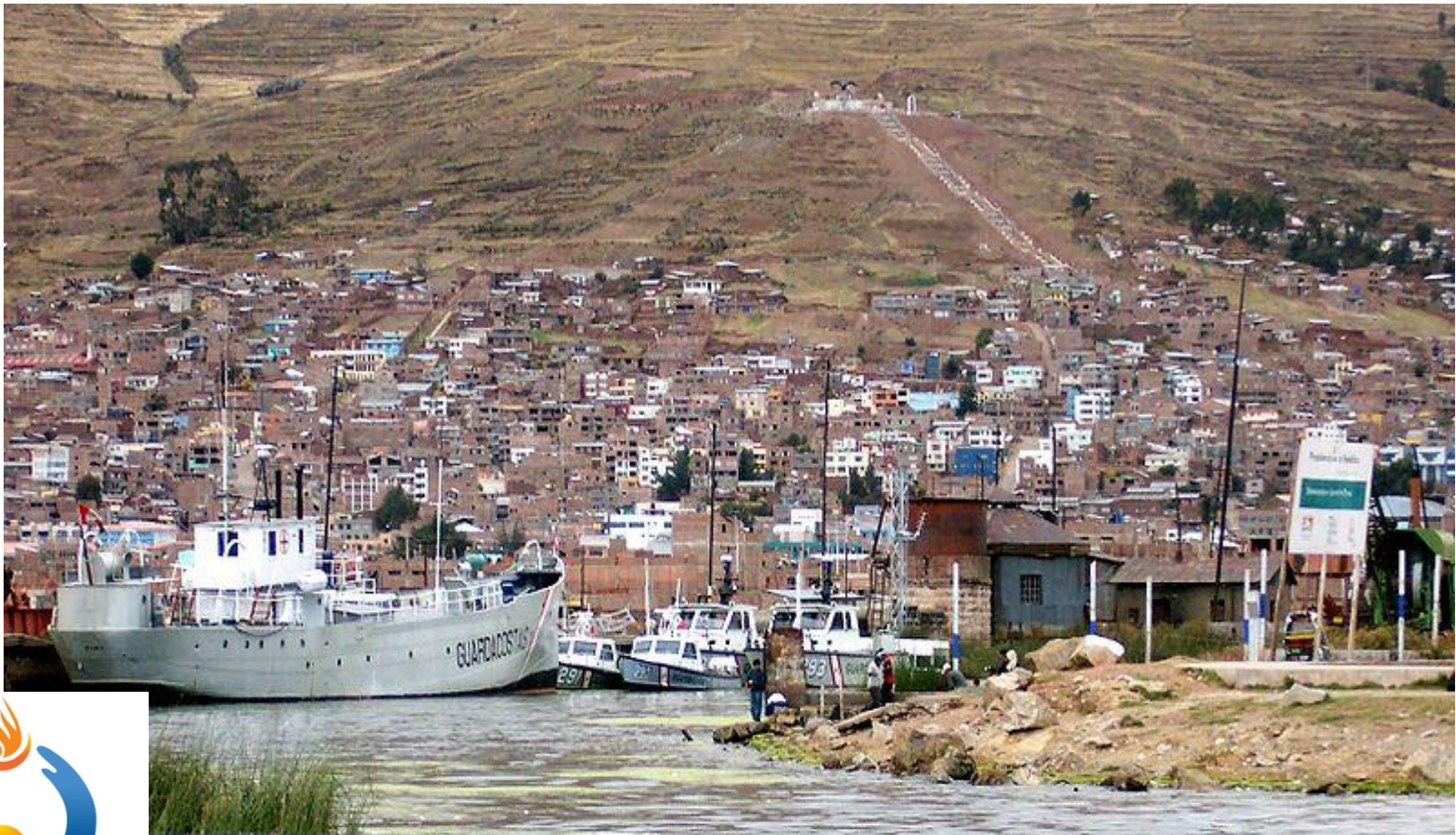
“I justified the creation of the ombudsman as a loudspeaker for the citizenry; in particular, to deal with the small problems that affect their everyday lives”

Miguel Ángel Rodríguez Echeverría, President of Costa Rica 1998-2002. In interview, San José, Costa Rica, 28 September 2007

“The ombudsman gained public support above all because it listened to the people. In a country where nobody has ever listened to the people, the very fact that someone could go to their offices and be heard was very important.”

Marcial Rubio, Peruvian Minister for Education under the Paniagua transition government (2000-2001). In interview, Lima, 7 September 2005

The Bolivian ombudsman and contamination of Lake Titicaca



Ombudsmen and the OGP agenda: 'Information-Brokers'

- *OGP advocates should seek to harness the many, rather than focus on the few*
- Ombudsmen can play a key role here:
 - Data collection (including financial expenditure) on public service delivery freely available on websites
 - In-depth investigations across sectors (health, prisons, pensions, sanitation and vulnerable groups protection)
- Ombudsmen as 'information-brokers'
 - Ongoing 'police patrol' monitoring
 - Performance assessment on public service delivery
 - Enable CSOs and other actors to engage with government

Revisit the government case for OGP

- Ombudsmen can assist in making the ‘moral case’
- But ‘advocating at’ public officials has its limits
- Ombudsmen are well positioned to:
 - Promote a different pattern of engagement (collaboration over confrontation)
 - Identify interest-alignment and quick Open Government wins
 - Locate main drivers and blockers of an OGP agenda
- Well placed to identify receptive public officials to advance the government case for OGP

The 'Art of the Possible'

- *The art of the possible must be demonstrated and recognised*
- Many public sector officials continue to see open government as a burden, rather than as providing real governance benefits
- Ombudsmen can:
 - Highlight the benefits of the OGP agenda
 - Alongside CSOs, amplify change by recognising those public agencies that do take action
- Enhancing reputation is a key component of the government case for OGP

Building consensus on OGP

- *There is a real need to build consensus on the need for more open government*
- Ombudsmen can assist to:
 - Ensure OGP is on the agenda
 - Channel citizen voice into the policy-making process (services free at point of use)
 - Review draft laws on Open Government as well as propose legislation
 - Facilitate multi-sector consultation on National Action Plans
 - Convene diverse sectors and facilitate dialogue

Summary

- Framing the role of ombudsmen and Open Government
- Calibrating expectations in light of context
- Ombudsmen as:
 - **Information-brokers**
 - **Advocates** of the government case for OGP
 - **Amplifiers** of good practice
 - **Consensus-builders** and conveners