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'The Greek Ombudsman and Public Administration during Challenging Times'

The creation of the Ombudsman in 1997 as an independent authority may be seen as a symbol of institutional modernization. It was intended to strengthen the Rule of Law, to consolidate good governance and ensure the protection of human rights; it constituted an injection of accountability into the Greek political administrative system and a means for the empowerment of citizens vis-à-vis the bureaucracy. The specific features of the Ombudsman institution as a soft power device, with no powers of sanction, distinguish it from other control mechanisms and the courts. Its non binding recommendations use persuasion and moral authority in order to encourage the administration to review its position on specific issues.

Such an institution acquires particular importance in the Greek context traditionally characterized, among others, by society's lack of trust in institutions and the tendency to by-pass them, the gap between formal rules and informal practices, politicization, administrative deficiencies and the gap in the implementation of administrative and court decisions.

The Ombudsman benefits from a deep understanding of everyday administrative operation and problems which feeds its wider proposals for legislative changes and organizational improvements. Problems are highlighted in annual and special reports and allow for the formulation of comprehensive but also more inventive and innovative ways to handle them. This aspect of the Ombudsman's mission has proved very important for the promotion of good administration and renders it a natural ally for administrative reform in Greece.

The contact with citizens and their problems assigns a major role and exposes the Ombudsman institution to current challenges in the context of fiscal austerity and a multi-year economic recession. As a mediator between public administration and society, the Ombudsman is called upon to respond to challenges arising from an unprecedented situation.

The financial crisis exposed the accumulated impact of well-known political-administrative deficits but also added new problems. On top of the lack of funding resources, which undoubtedly affects its operations, public administration finds itself under increasing pressure to function effectively with less staff, new and strict financial management rules and procedures and in a legal and organisational environment characterised by a high degree of fluidity and frequent and unexpected changes. These have severe repercussions on the capacity to carry out its tasks, particularly in services that deal with the public. A general tendency to devalue the public service and use it as a scapegoat for all evils adds to a negative operational environment. Limited resources and time constraints do not allow rationalization, but add to its deficit.

Within society, signs of social exhaustion and reform fatigue are particularly evident. People often complain to the Ombudsman not just about a bureaucratic issue but about their absolute inability to fulfill mostly financial obligations to the state. The peak in complaints reflects the sectors where the difficulties of the Greek state to respond to its obligations to citizens are most visible; they concern

primarily the welfare state, (e.g. long delays for pension and welfare benefit payments), payment arrears to citizens etc. Social rights are under enormous pressure and individual mediation is not always a solution, since the real issues are systemic. At the same time, citizens' expectations from the Ombudsman often exceed the realistic chances of changing general rules. In such a socially and politically charged climate, extreme positions and actions emerge in society and render the protection of human rights more urgent and essential.

The Ombudsman is called upon to respond to all this. Its role seems displaced. It is no longer an institution that deals with numerous but equally marginal malfunctions that pushes for improvements. Today there is a generalised feeling of disappointment and the demand for social justice is reflected in the complaints of citizens; this points to proportionality in burden sharing, observation of regulations and transparency in handling public cases. While social inequalities are on the rise, the fewer the resources, the more important are the rules and criteria of (fair) distribution. Responding to all this, the Ombudsman has recalibrated its activities. The proposals it puts forward systematically take into account current conditions, limited resources but also peoples' immediate needs. The task at hand is even more difficult because of the continuing lack of trust in government institutions. Proximity with citizens but also distance from active politics, a good dose of sobriety and creativity are required in order for the Ombudsman to have the ability and credibility to formulate its views and recommendations.