

## IOI-EUROPE CONFERENCE THE OMBUDSMAN IN AN OPEN AND PARTICIPATORY SOCIETY

Brussels | Senate  
1-2-3 | 10 | 2018

### **The Ombudsman as a catalyst for citizen participation by Chris Field, Ombudsman Western Australia and Second Vice President, International Ombudsman Institute**

14.00 Chair's Opening

Welcome back from lunch delegates.

Can I say how delighted I am to join my European friends and colleagues, and friends and colleagues from around the world, on the occasion of the IOI-Europe conference, but also as we celebrate both the 20th anniversary of the federal Ombudsman and the 40th anniversary of the IOI. Gathered in this wonderful parliamentary chamber, I can think of no more fitting place in the world to celebrate the Ombudsman institution. I echo all of the remarks made last evening and this morning about this auspicious occasion, and extend my sincerest thanks to the office of the federal Ombudsman for organising this exceptional event.

In this session we will examine the theme *The Ombudsman as a catalyst for citizen participation*.

The participation of citizens is at the very heart of what we understand is the relationship between the state and society – it is, of course, the ‘demos’ of democracy. The compact that exists between those that govern, and the governed, relies on the existence and effectiveness of a participatory citizenship. Participating citizens give the necessary imprimatur to decisions made about them, and more broadly, to the legitimacy of those who make these decisions.

What we mean by citizen participation is a matter of great study – it can range from anything to participation in cyclical elections of parliamentary representatives, through to a whole array of mechanisms for direct participation, many of which have been created or facilitated by new technologies.

That citizen participation is not just a good thing, but a demonstrably essential part of well-governed states, is a proposition so utterly uncontroversial that it would hardly justify the use of two and a half hours of our time.

But this session is not so much considering the merit of citizen participation, rather, the theme of this session is the Ombudsman as a catalyst for citizen participation.

I think this theme is incredibly worthwhile and timely and is likely to engage and enliven debates in our offices for years to come. For my part, here are just a very few questions that arise when we consider this theme:

- ✓ What do we mean as Ombudsmen when we refer to the concept of citizen participation? Are we referring to working to ensure citizens participate in our processes (for example, citizen's panels that might help identify and inform our own-motion investigations?) or do we mean that the institution of the Ombudsman is acting as a catalyst for the participation of citizens in the broader polity? Or both?
- ✓ What is the practical role of the Ombudsman in catalysing such participation and how might such a role be established, resourced, managed and reviewed?
- ✓ What are the expected outcomes of such participation and how might we measure and report on these outcomes?
- ✓ If an essential element of the Ombudsman institution is to mediate the relationship between citizens and the state in a way that is impartial, independent and not as an advocate, how might this circumscribe the role of the Ombudsman as a catalyst for citizen participation?
- ✓ Are there any other risks for the institution of the Ombudsman in being such a catalyst?

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In my office as an Australian Ombudsman, we do proactively encourage and facilitate the participation of citizens, with one very obvious example being the participation of the first peoples of Australia - Aboriginal Australians.

We do this in part because we ask this question of ourselves: Can an Ombudsman have legitimacy and effectiveness as an institution that promotes access to justice and protects the rule of law and democracy, without activating citizen participation in its work, particularly citizens who may be vulnerable and/or the subject of significant historic government wrongs and societal marginalisation?

To now give you a comprehensive introduction to the theme of this session, and a synthesis report of answers received from IOI members on a questionnaire prepared for this session, it gives me great pleasure to give the floor to Professor Didier Caluwaerts, VU Brussel.

14:05 - 14:20 Professor Didier Caluwaerts

My sincere thanks Professor for establishing today's theme in such a thoughtful way for us.

It now gives me the greatest pleasure to introduce three of my very valued Ombudsman colleagues, Mr. Günther Kräuter, member of the Austrian Ombudsman Board and, may I

indulge myself to say, an outstanding Secretary-General of the IOI, Ms. Ülle Madise, Chancellor of Justice of Estonia and Mr Reinier Van Zutphen, National Ombudsman of the Netherlands. Each Ombudsman, in turn, will share their experiences in relation to the theme.

I first call Günther.

14:20 – 14.33 Günther Kräuter

I now call Ülle.

14.33 – 14.46 Ülle Madise

I finally call Reinier

14.46 – 14.59 Reinier Van Zutphen

My sincere thanks to Günther, Ülle and Reinier for generously, and so eloquently, sharing their experiences as Ombudsmen with our theme this afternoon. I am sure that the sharing of their considerable experience and expertise has given rise to many matters that you may wish to explore further and I am very pleased that we will have an opportunity later in this session to do exactly that.

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For the moment though, I invite delegates to a coffee break. I ask that you return for the completion of our session by being seated by no later than 3.30.

15.00 – 15.30 Coffee break

Welcome back delegates. Before our coffee break we heard from three Ombudsmen regarding their views about today's theme. In this penultimate part of our session, we will have the opportunity to hear from Mr Min Reuchamps, Professor of Political Science at the Catholic University of Louvain, regarding his views on today's theme. It gives me great pleasure to invite Min to the stage.

15:30–15:50 Remarks by Professor of Political Science Min Reuchamps

Thank you very much for that very thoughtful analysis Min.

Well delegates it is now that time where we open the floor to debate and questions. Although this session finishes at 4.30, I will finish debate and questions from the floor at 4.15 as Katharina Zuegel of the OECD has kindly informed the conference organisers that she would like to intervene in the debate regarding the OECD report The Role of Ombudsman

Institutions in Open Government of which I am sure many delegates are very familiar. Our session participants will then have an opportunity to respond to that intervention.

Delegates, I open the floor for questions.

15:50 - 16:15 Debate

Thank you for your questions delegates. I now call upon Katharina Zuegel to intervene into our debate regarding, what I think is a very welcome and important OECD report, The Role of Ombudsman Institutions in Open Government.

16:15 - 16:30 Intervention

Thank you delegates. Can I ask that you join me in thanking each of our outstanding contributors. We will now have an official signing ceremony of a MEMORANDUM OF UNDERSTANDING BETWEEN AOM AND IOI and do not forget, of course, that our Gala Dinner will commence at 7.00pm at Egmont Palace.

Thank you again.

16:30 Session Close