

The ombudsman and the promotion of good

governance

All governments have always been making decisions and trying to implement the same. For a long time the will of the governors – or the authorities in the persons of emperors, kings and juntas – reigned supreme, even if the will was arbitrary and unjust. Governance was about authority over a nation - the will of the sovereign being the command of the people, which they could contradict only at their sure peril. That's the history of governments - benevolent or otherwise.

While governance may be as old as humanity, concern over the quality of governance and, especially, the need to enhance it is only a recent phenomenon. That's the reason supplementary democratic institutions set up to improve the quality of governance, such as the Ombudsman, have a relatively brief history.

Good governance, we now know, is in favor of some essential nature of the processes of government. i.e. The decision making and implementation processes of government could be regarded as good if and when they meet some specific parameters all of which presuppose the primacy of the interests of the people over the will of the governors.

Good governance embodies specific features reflected in the processes of decision making and implementation. Basically, the goodness of governance is to be looked into in the extent of conformity of the processes of decision making and implementation of a government to the interests and the will of the people it represents - the very source of its power.

Now the question: how could one know whether the government is acting on the basis and in the best interest of the people?

Well, decades of research and advocacy, especially, by the UN seem to have now resulted in forging consensus on the nature of good governance. Accordingly, governance in a society could be said to have attained a measure of goodness to the extent it “embodies processes and institutions that are participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and (which follow) the rule of law. Each of these traits of good governance emphasizes attributes that give room for the consideration of an aspect of the will of the people, which contribute to the goodness of the whole system of governance.

However, inculcating the various traits into the functioning of systems of government is bound to take the sustained efforts of different

actors. The Ombudsman's objective is to contribute to the on-going efforts to strengthen good governance.

The powers and duties of the Ethiopian Institute of Ombudsman (EIO) include supervision of administrative directives and decisions as well as actions of executive organs. This constitutes one of the key roles of EIO. The purpose of such supervision is to ensure that no violations of constitutional rights of citizens or laws are committed. Hence, this crucial role of aims at promoting one of the key attributes of good governance: the rule of law, which comes not alone but with transparency and accountability, among others.

The accountability of an organization - or institution to those who will be affected by its decisions or actions - is a key requirement of good governance. And those who will be affected by the decisions can hold an institution accountable on condition that they have some effective mechanism to learn about its activities.

Thus, it is hard to enforce accountability with out yet another two key traits of good governance: transparency and the rule of law. Transparency involves at once that decisions are made and enforced in accordance with well known rules of the game. It also involves making

understandable information freely available and accessible to those who have a stake in the decisions and their enforcement.

Good governance in general and, especially, one of its characteristic features – the system of accountability - requires impartial enforcement of laws. That's the relevance to good governance of the principle of the rule of law. This which in turn calls for an independent judiciary as well as the supervision of such independent democratic institutions as the EIO.

Moreover, EIO is empowered to receive and investigate complaints from citizens that fall victims of abuse of power, discrimination, violation of rights and maladministration: its second role. This enables the Ombudsman not only to carry out its responsibilities but also to promote another group of good governance features: equity, inclusiveness and responsiveness.

The well-being of a society under a system of good governance depends on ensuring that all of its members feel that they belong to and have a stake in it with none feeling excluded from the mainstream. This involves, above all creating opportunities to all the citizens, which is

what equity and inclusiveness is all about. These principles aim at improvement or maintenance of the well being of all - with a particular attention to the vulnerable members.

Furthermore, good governance in the shape of responsiveness entails the feature that institutions and processes not only offer services at the right time but also hear out and consider the complaints and dissatisfactions of the beneficiaries. The combination of EIO's roles of supervision and investigation as well as its remedial measures aim at improving the quality and efficiency of administrative services.

Governance should also be efficient and effective. Decision-making and implementation processes and the institution in charge should produce results that meet the needs of the society by making the best use of whatever resources at their disposal: they have to be efficient. It is through efficiency that governance could ensure the sustainable use of natural resources and the protection of the environment.

EIO's roles contribute to make the participation of the people in the affairs of their country worth while. By stirring the administrative organs to respond to the cries of the people, EIO at once works to

strengthen the responsiveness of government and the participation of citizens. The participation of the people, which could be direct or through (legitimate) intermediate institutions or representatives, is a cornerstone of good governance. It goes beyond taking into consideration the concerns of the vulnerable segment of the society in the processes of decision-making and implementation. Since it involves having one's say, there is little worth in participation unless it is informed and organized, which calls, among others, for respect for the freedom of association. Since the citizenry, which seeks to actively participate in the processes of governance, is bound to entertain many view points, there is a need to hammer out and streamline the different interests in the society.

Good governance requires reaching a broad consensus on what is in the best interest of the (whole) community and, most importantly, how this can be achieved. It is the responsibility of how and whether it is all going in the right direction of forging consensus. The Ombudsman to supervise and identify.

Good governance also requires a broad and long-term perspective on what is needed for sustainable human development, which

necessitates a good grasp of the historical, cultural and social contexts of a given community. The responsibility of the Ombudsman to conduct researches is no doubt vital to put the lives and aspirations of the Ethiopians in a context and to point the direction that the nation should take.

A government that caters to the needs of the society is not only democratic but could also stand to be the very agent of development: the ever present craving of its people.

And we have the summary of what EIO could contribute to the promotion of good governance in the provision that provides for EIO's third role: making "recommendations for the revision of existing laws, practices or directives and for the enactment of new laws and formulation of policies with a view to bringing about better governance".