

Speech by the European Ombudsman, Professor P. Nikiforos Diamandouros, on the Occasion of a Gala Dinner to Celebrate the 10th Anniversary of the European Ombudsman Institution

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I am delighted to welcome you all to this gala dinner, which is being held to celebrate the tenth anniversary of the European Ombudsman institution.

I would like to welcome ombudsmen and their staff from almost 30 European countries, two of the keynote speakers we will be hearing from during our seminar - Advocate-General Miguel Poiares Maduro and Professor Elsbeth Guild, Jacob Söderman, the first European Ombudsman, and the guests that have come especially for this evening's gala dinner.

In particular, I would like to thank Roel Fernhout, the National Ombudsman of the Netherlands, for agreeing to co-organise this, the fifth seminar of the national ombudsmen of EU Member States.

As Greek Ombudsman, I agreed back in 2001 to be co-organiser with the European Ombudsman of the following seminar, which eventually took place in Athens in April 2003. Little did I know at the time I made my commitment that by the time of the Athens seminar I would have been elected and taken office as the second European Ombudsman. My successor, Yorgos Kaminis, therefore, only had six days to prepare for the event! Roel has thankfully not been so cruel to his successor as I was, and is hosting this fifth seminar a whole three weeks before he leaves office.

Roel has also shown his trust in the professionalism of his ombudsman colleagues by holding the seminar in the heart of the Dutch capital.

The Athens seminar by contrast was held in a beach hotel several kilometres from the city centre in order to strengthen the participants' moral resolve to resist the cultural temptations of classical and modern Athens.

The sight of disconsolate ombudsmen pacing up and down the windswept beach promenade in search of civilisation before admitting defeat and returning to the meeting will remain in my



memory for years to come.

Hopefully, the trust implicit in Roel's choice of venue, despite the plethora of cultural temptations associated with The Hague, will be shown to be justified over the coming days!

Lest my remarks are misunderstood and are perceived either to imply a greater capacity of the Athens cultural treasures to generate temptation than those of The Hague or to suggest that Roel is a more trusting soul than I, I hasten to add that the moral of the story is somewhat different. Simply put, it is a reminder of one of the more significant insights arrived at by Baron de Montesquieu, the 250th anniversary of whose death we observe this year. In his great work, *The Spirit of the Laws*, so pertinent to the work of professionals like ombudsmen, devoted to the maintenance and deepening of the rule of law, Montesquieu pointed out that geography and climate affect people's behaviour. It follows naturally, therefore, that human inclination to resist temptation, weak as it often is, tends to decline perceptibly as we move from north to south!

By now most of us know each other pretty well from our regular ombudsman meetings - IOI, Council of Europe, European Union, AOMF, etc. and it's good to see you all again tonight.

But who are these unknown faces amongst us?

The European Ombudsman's 'founding parents' might be one way of describing them. Hans might prefer the term 'midwives' to describe these key players in the birth of the institution. The term 'authors' is clearly also appropriate, as I will explain later on. Whichever term we choose, it goes without saying that I am delighted that Saverio Baviera, Peter Biering, Jean-Claude Eeckhout, Juan Manuel Fabra Vallès, Gregorio Garzón Clariana, Anita Gradin, Ranveig Jacobsson, Carlos Moreira Gonzalez, Eddy Newman, Ezio Perillo and Roy Perry could all be here with us tonight.

Given the great support the European Ombudsman institution received during its early years from the International Ombudsman Institute, I decided to invite the former board of IOI-Europe to join us for this celebration. I am delighted that Ivan Bizjak is here with us tonight. Both Kevin Murphy and Marten Oosting were, unfortunately, unable to make it to The Hague due to prior commitments, but have sent their very best wishes to all of us. Hans, the former Vice-President for Europe, is also here, completing the quartet.

From former Commissioners to former MEPs, and from former ombudsmen to senior EU officials and leading academics, it is clear that we are in very distinguished company.

Ten years ago this month, on 27 September 1995 to be precise, Jacob Söderman began his work as the first European Ombudsman.

I can think of no better occasion than this one to formally recognise Jacob's accomplishments in leading the institution through its infancy and early years, whilst investing it with authority, respect and legitimacy.



Tonight we celebrate together the 10th anniversary of the institution.

Ten years might not seem much to many of you here present. Mats Melin who is, institutionally speaking, 196 years old, and Riitta-Leena Paunio, who is, institutionally again, a sprightly 86, might wonder what all this fuss is about!

But that would be to forget that the European Union is not exactly like Sweden or Finland. The Union is, after all, barely fifty years old. Notwithstanding these daunting comparisons, for us, ten years is an important milestone to celebrate.

As the 'founding mothers and fathers' will confirm, the creation of a European Ombudsman was not without its doubters or even opponents and the early years of the institution were far from easy. Institutions that have done things a particular way for almost forty years do not change overnight.

It is a testament to the perseverance or "*sisu*" of my predecessor, Jacob Söderman, that we can be here tonight to celebrate ten years of service to European citizens with his friends and former colleagues.

As former Commissioner Anita Gradin recalls, after his first year in office Jacob wrote: " I sometimes feel that there is a dinosaur in every public body. It lives in the basement and guards the files. These beasts have an aversion to open doors and daylight..."

But Jacob, the beast tamer if not the beast slayer, managed to prise open the doors and helped the light filter through, on access to documents, like on so many other issues.

Soon Jacob's perseverance in tackling the dinosaurs in the European public administration earned him, and the institution, tremendous respect.

Feedback from citizens confirmed that the institution was working for them. Press reports hailing the positive influence of the Ombudsman under headings such as 'Citizens' champion' reinforced the belief that the Ombudsman was doing something right. Public awards and acknowledgements for giving the formidable European bureaucracy a 'human face' strengthened the Ombudsman and his staff in their endeavours during the institution's early years.

When I was elected European Ombudsman for the first time in January 2003, there were some sceptical members of the press who were keen to question whether it was wise to entrust this precious institution to someone from a Member State whose reputation for good administration allows for considerable room for improvement. As I pondered on how best to address these concerns, I was relieved to be the recipient of help yet again from Jacob, who, foresighted as he always is, had referred to me as the only 'Nordic Greek' he knew. Such a designation came in very handy.

It would be impossible to list all the achievements of these last ten years without testing your



patience to the maximum. In any case, the coaches back to the hotel depart at eleven so I should at least try to finish my speech before then!

Allow me just to say that the Ombudsman's achievements can be seen in almost every area of the EU administration: abolition of age limits in recruitment, a reduction in the late paying of contractors, and growing respect for the EU Charter of Fundamental Rights to give just three examples.

Access to EU documents has also clearly been a success story, with every EU institution committed not only to making access the rule rather than the exception, but also making document registers publicly available.

On balance, all these achievements have served to bestow upon the European Ombudsman growing recognition and ever greater legitimacy in the eyes of the public and the institutions alike.

As Maarten Oosting so kindly wrote in his letter to me regarding tonight's dinner: "Your invitation reminds me of the many meetings during the early nineties in Strasbourg and Brussels about the establishment of the institution of the Ombudsman for the European Union. And of the day when Jacob Söderman took oath before the Court of Justice in Luxembourg. And now, ten years later, he and you, and your dedicated staff, can be proud of what has been achieved in that period: a well established and well known office, that has demonstrated how right the decision was to give the EU its Ombudsman."

Over the last ten years, the European Ombudsman has handled over 20,000 complaints and helped countless more citizens by answering their requests for information.

Even if the citizen does not always know whom to turn to (some even address their complaint to President Schuman, as our address is 'Avenue du Président Robert Schuman!'), we always endeavour to help all those whose complaints reach us.

And before I take, together with Jacob, too much of the glory for those 20,000 complaints, I should probably confess that over half of them concerned problems with national or regional administrations and were therefore passed to all of you to deal with.

So whilst the European Ombudsman has certainly never been busier, with 3,000 complaints received in the first eight months of this year alone, I like to think that in a small way I've helped to submerge all of you as well!

Which brings me neatly on to the subject of our co-operation.

When the first seminar of the national ombudsmen from the 15 EU Member States was hosted by Jacob in Strasbourg in September 1996, few could have imagined that representatives from almost thirty countries would be attending the fifth such meeting just nine years later.



The development of the network, and the ever-closer co-operation of both its ombudsmen and liaison officers through meetings, newsletters, the internet, and bilateral contacts, has helped ensure that whichever office citizens turn to, they can be assured of receiving appropriate help.

The network however can only ever be as good as its members. So, on behalf of citizens, I'd like to thank you all for having contributed mightily to its growth, development and increasing efficiency.

Throughout the last ten years, co-operation between and among ombudsmen has been matched by co-operation between and among EU institutions and bodies.

The European Ombudsman could not have got off the ground without the support of the Parliament's administration. And the inquiries launched by the Ombudsman would have been almost pointless were it not for the importance accorded to them by all the EU administrations, and in particular that of the Commission.

From a political perspective, the rigour with which the Parliament's Committee on Petitions has overseen the work of the Ombudsman has also been crucial.

To give one example, it was a Committee Vice-President, Roy Perry, who first suggested the idea of a Code of Good Administrative Behaviour for the EU's civil servants to follow.

The development of such a Code has helped not only to change the EU administration for the better, but also to give the institution a global impact.

This summer, a new edition of the Code was published in 24 languages. Over 100,000 copies have already been distributed throughout Europe and beyond. Over the last few weeks, requests for thousands of extra copies have been received from all over the world. It might interest you to know that the Civil Service Reform Commission of Afghanistan alone has requested over 4,500 copies.

Within Europe, the Code has been taken on board in administrations from Portugal to Italy, from Wallonia to Greece, and from Romania to Croatia.

It truly is a European success story, of which the Ombudsman and the European Parliament's Committee on Petitions can both be proud.

The burden of all these achievements of the first decade, so intimately linked to Jacob Söderman, weigh heavily on my shoulders and serve as a powerful and sobering reminder of the heavy obligation that has thus been bequeathed to me to lead this institution further forward and to render it ever more capable of serving as the guardian of good administration in the European Union and as the defender of the citizens.

When I started to plan this 10th anniversary celebration, it is perhaps not surprising that I decided to bring together the most important 'founding parents' of the institution in order to



ensure that the key moments both leading up to and following its birth would not be forgotten.

Following an impressively intensive two day workshop in Strasbourg in June 2004, the participants were invited to each contribute a chapter to a commemorative volume.

Every participant was as good as their word and the book that issued from this initiative will, I am certain, prove a useful resource for students and practitioners of ombudsmanship throughout Europe and beyond, now and in the future.

I can think of no more appropriate an audience than the one gathered here tonight with which to launch this volume, and I hope that you will derive as much interest and enjoyment from reading its contents as we derived from producing it. I also think it appropriate that the first copy goes to Jacob Söderman.

It only remains for me to look forward to a successful seminar over the coming days, to ever closer co-operation between our institutions over the coming years, and to a second dynamic decade for the European Ombudsman. In whatever capacity, I hope to see you all for the 20th anniversary celebrations in ten years time!

I would like to finish by proposing two toasts: firstly, please raise your glasses to our host, Roel Fernhout, who will be leaving the Dutch National Ombudsman's office in three weeks' time after six groundbreaking years at its helm. Secondly, I would like to propose a toast to the founding European Ombudsman, Jacob Söderman, for his tireless work for Europe and its citizens and for bequeathing me a dynamic, efficient and highly-effective office.

Thank you very much!