

Rapporteur – Concluding report

George Vital Zammit

Prime Minister

Leader of the Opposition

Ombudsman, Judge Emeritus Zammit McKeon

Ladies and gentlemen,

Distinguished guests and

Members of the Association of Mediterranean Ombudsman,

This Conference called on us to discuss **The Right to Good Administration**. After two days of deliberations and reflections, I think we can agree that the support and commitment for this goal is unanimous and unequivocal - perhaps also because this is audience here is already converted and does not need to be convinced about this goal.

I am confident to say that all the interventions and the contributions in the four plenary sessions clearly show that it is the unwavering aspiration of all of us to see the fulfilment of this objective. We all agree.

The interventions made references to legal frameworks in our various national jurisdictions but I do believe that this is also the right forum to dwell on our respective challenges (**Mr Peter Svetina**, *Ombudsman of Slovenia mentioned quite a number today*) and why not - share our good practices.

We recognize the diversity of our Mediterranean family, and while each nation has its unique journey, our mission is united: to bridge the gap between how and what we are - to what we can be.

But the Conference Title had an addendum with a question. Is the right to good administration a **Myth, Aspiration or Reality?**

IS IT A MYTH?

For many of who came before us and even for some in our region today, the idea of a transparent, accountable, and inclusive public administration remains elusive.

The contributions from the various panels have shown an ability to diagnose weaknesses:

Historical misgovernance, lack of transparency, bureaucratic obstacles, institutional resistance, limited government capacity, poorly trained officials, wicked problems, are all variables that have at times made good administration feel more like a mirage in our vast Mediterranean landscape.

At times / or most times, we have the institutions and the legal frameworks, but they somehow lack support. **Dr Paul Cachia** (*Chairperson of the Malta Arbitration Centre*) questioned whether we still believe in arbitration as an instrument to resolve disputes.

But back to the Mediterranean. **Dr Andreas Pottakis** (*President of the Association*) made reference to the Mediterranean as being the “center of conflict”. Conflict not only in military terms, but social, economical and political. Which poses a number of challenges on public administrations.

A number of countries do not have legislative and constitutional recognition of the right to good administration.

The existence of instances where hurdles and obstacles are not only not removed, but indeed created, if not strengthened, just perpetuate the right to public administration as a myth. An example that is often mentioned is non-disclosure – which should remain an exception and should never become a norm.

IS IT AN ASPIRATION?

Absolutely. We all share the vision of an efficient public administration that serves the needs of its citizens. This aspiration is not merely a lofty dream but a tangible goal.

Indeed it is a duty.

Speaker Hon. Anglu Farrugia invoked Article 65 (i) of the Constitution that “Parliament may make laws for the peace, order and good government in conformity with full respect for human rights.” In addition his proposal for a *Standing Committee on Public Administration* merits consideration. **Ms Erina Ballanca** (from the *People’s Advocate of Albania*) stressed the relationship between Parliament and the Ombudsman.

Ms Emily O’Reilly (*European Ombudsman*) made reference to the “temperature of the administration being gauged / measured by the quality of administration provided”.

Ms Maija Sakslin (*Deputy Ombudsman of Finland*) remarked that “good administration allows its citizens not to be subject to automatic decisions”.

Auditor General **Charles Deguara** emphasized mutual trust and respect. Make no mistake – we are talking of inter-institutional dynamics and relationships here. The contestation of Governments to Ombudsman’s recommendations, whilst a right, dent credibility.

After all as Chief Justice Emeritus **Vincent de Gaetano** (*Commissioner for Education within the Office of the Ombudsman*) reaffirmed, the Rule of Law is neither a rule nor

a law. It is an attitude based on behaviour and actions. I find big value in his departing shot yesterday:

“What is crucial for the Rule of Law to be effective is the genuine predisposition, the attitude, of those in a position of power ... to go beyond political posturing and beyond paying lip service to its precepts”.

IS IT A REALITY?

There is a recognition that our nations have made strides to make public administration more accessible, transparent, and efficient.

Dr Ivan Mifsud (*Dean of the Faculty of Laws*), himself being there at the inception of this office, recalled yesterday the attitude towards the Ombudsman then. With time, increased capacity, and officers of repute and unquestioned integrity, the Ombudsman built and upheld a reputation of its own.

Mrs Maria Stylianou (*Commissioner for Administration and the Protection of Human Rights - Cyprus*) mentioned today the challenged to communicate with the public in effective ways. In other words, the citizens’ right to know is our duty to inform.

Despite being more available (in electronic format), how many of us read the Annual Ombudsman’s Report? The Dean yesterday addressed this question towards our political representatives. Rightly so.

Principal Permanent Secretary **Tony Sultana** made reference to the efficiency brought by e-government. The harnessing of technology by the state bureaucracy for sure is a significant milestone. I think the invitation by the Head of Public Service to a paradigm shift – from one based on the number of solved cases – to one where cases are not created at all – is a very enticing ambition. This was echoed by **Ms Erinda Ballanda**

(People's Advocate of Albania) – let's look forward to a time where cases are solved without the need for an Ombudsman recommendation.

But this requires commitment.

The cooperation of everybody, as emphasized by **Mr Mohamed Benalilou** (Mediateur of the Kingdom of Morocco) is crucial.

I think, we know there's much work to be done.

As we approach the end of this Conference, I think we are all inspired by the breadth and depth of the discussions we have shared.

What we saw is the articulation of values and an expression to uphold them.

This journey into the very soul of governance: the right to public administration – brings us from known realities but marshals us to fulfil the aspiration of enhancing effective Ombudsman institutions.

I feel confident that I can echo a common sentiment.

Let's commit to being architects of that new reality. Let us ensure that the right to public administration is not just words on paper but an everyday experience for our citizens. As guardians of public rights, let's champion a Mediterranean region where public administration is not just a right but a proud reality.

In doing so, we will ensure that this goal will never be a myth, but indeed an aspiration and reality.

Thank you.