

## **Role of Ombudsman in Improving and Maintaining Public Service Delivery with a Focus on Decentralized and Outsourced Public Service Delivery**

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### **A. Rationale**

Over the past decades, countries in Asia and around the world have embarked on decentralization as a key strategy to democratize the polity, bring the government closer to the people, improve service delivery on the ground, devolve administrative functions towards achieving operational efficiency, and pursue economic development and good governance. New Public Management (NPM) approaches such as outsourcing of services and public-private partnership (PPP), and of course decentralization, have also been introduced as alternative mechanisms for public service delivery.

Broadly speaking, ombudsmanship sits very well with the above rationales of decentralization by aiming to “increase democratic quality, promote accountability and administrative transparency, and encourage citizen participation to hold the state to account” in the delivery of public services. With NPM, ombudsman institutions remain responsible for ensuring accountability in the delivery of public goods and services by sub-national governments and private organizations.

A survey among Asian Ombudsman Association (AOA) members<sup>2</sup> shows that the ombudsman institutions in the Asian region have varying degrees of powers, authorities, jurisdiction, functions and services (ADB TA 6565 2009). Among the tasks of the ombudsman include investigating, prosecuting, punishing cases of mal-administration and malfeasance; pursuing anti-corruption initiatives; protecting individual human rights; and redressing individual grievances and administrative injustices.

This paper intends to find the role of the ombudsman in a decentralized politico-administrative setting, outsourced services and devolved administrative functions – by looking into the global and Asian perspectives, institutional arrangements, good practices as well as the challenges at the policy and institutional, organizational and individual levels – with the end in view of streamlining its operations to become more efficient and effective in delivery public services.

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<sup>2</sup> Azerbaijan; Hong Kong, China; India; Iran; Indonesia; Japan; Kyrgyz Republic; Republic of Korea; Malaysia; Pakistan; Peoples Republic of China; Republic of the Philippines; Sri Lanka; Thailand; and Viet Nam.

## **B. Approach and methodology**

This paper focuses on the role of the ombudsman institution – its structure and service delivery mechanisms – as it relates to the citizens as key stakeholders under the NPM paradigm including decentralization and outsourcing of public services. Hence, this paper would address the following research questions, among other, things: Do the mandates and structures of ombudsman institutions across Asia reflect the NPM paradigm, thereby providing the enabling framework for accountability under a decentralized set-up? With decentralization and alternative service delivery mechanisms, i.e. outsourcing and PPP, what are the implications on the role of the ombudsman and the right of the citizens for redress of their grievances through the ombudsman? Can the ombudsman intervene in situations where delivery of public service has already been outsourced to the private sector? In PPP, can the ombudsman enforce accountability measures to the private sector if some public funds or resources are used?<sup>3</sup> And equally important, what are the areas for improvement and reform in public service delivery in Asia with which Ombudsman institutions can have a major domain within the context of decentralization, outsourcing of public services and PPP?

This study will be both exploratory and comparative in nature. On one hand, we would like to examine the evolution and key dimensions of ombudsmanship, decentralization, outsourcing and PPP as complementary policies to improve public service delivery. On the other hand, we would like to know and learn from the practices of some Asian countries on the linkage – and breakthroughs – between these institutions and modalities.

It is therefore within this context that this study shall a) explore the role of the ombudsman in decentralized and/or outsourced service delivery and devolved administrative powers (Asian perspective); b) compare country practices (common and leading practices) and challenges of the ombudsman institution of selected countries in Asia; c) draw out the lessons, insights and possible areas for wider replication; and, d) put forward strategies to strengthen the role of the ombudsman within the context of decentralization and NPM.

The following methodologies will be undertaken to achieve the above objectives: a) review of literature including academic papers, country/regional assessment reports, annual/regular reports of member institutions/countries, country papers of AOA organized conferences; b) case study briefs in select Asian countries; c) consultation with key persons including program officers of AOA, ADB TA consultant/s, and current and former officials of the Office of the Ombudsman in the Philippines; and, d) where appropriate and necessary, conduct an information gathering activity during the AOA Regional Workshop on

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<sup>3</sup> The focused questions are based on the comments of Dr. George Carmona on an earlier draft outline. It should also be noted that this paper would have some common areas/discussion with Prof. Rajani Ranjan Jha. This paper would further look into specific cases in select Asian countries.

Knowledge Product in Manila.<sup>4</sup> The retrieval of documents would be accessed primarily through the websites of AOA, individual member countries and other respectable sources of information.

### **C. Case studies**

This paper envisages preparing case studies on the Ombudsman institutions of the Philippines, Thailand and South Korea.<sup>5</sup> We would like to know the extent to which ombudsman institutions take on decentralized and outsourced public services in selected countries in Asia. Some of the research questions would include, but not limited to: To what extent do ombudsman institutions pursue accountability measures over decentralized and outsourced services? What are the issues and challenges? Given the existing conditions, how can the ombudsman services be improved and strengthened?<sup>6</sup>

One particular task is to trace the policy framework, structural design, and policy implementation levels from the central to sub-national institutions. For instance, in the Philippines, the Office of the Ombudsman (OMB) has regional offices in strategically selected agencies in Luzon, Visayas and Mindanao and a sectoral service for the military.

The initial case study comparative framework will be as follows:

- Context (institutional and development constraints and major issues in public service delivery system)
- Institutional/legal framework/structures
- Ombudsman’s mandate over – and practices on – decentralized and outsourced services, and devolved administrative powers
- Issues and challenges
- Trends and practices leading improved outcomes
- Lesson learned

### **D. Indicative Paper Outline**

1. Introduction
2. The Role of Ombudsman in decentralization, outsourcing and public-private partnership (PPP) of public services: Perspectives from Asian countries
3. Case studies in Selected Asian Countries (3 to 4 pages each)

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<sup>4</sup> The proponent thinks that the workshop would a very good venue to draw insights from the participants and perhaps broaden the appreciation of the topic/theme.

<sup>5</sup> This is an indicative list of countries to be studied in more detail.

<sup>6</sup> Among the functions may vary from investigative, prosecution, and punitive; other soft services as such as public assistance and education; and administrative remedies, if applicable. This was based on initial discussions OMB officials include Assistant Ombudsman Atty. Evelyn A. Baliton, Atty. Alan R. Cañares, and Atty. Rafael Hipolito last 5 January 2010.

4. Comparative discussion and summary of issues and challenges
5. Lessons learned towards improving public services
6. Conclusions and the way forward