POLICY CHANGE AND SOFT EUROPEANIZATION: 
THE TRANSFER OF THE OMBUDSMAN INSTITUTION 
TO GREECE, CYPRUS AND MALTA

STELLA LADI

The paper adopts a historical institutionalist approach to Europeanization and argues that policy change is facilitated by three factors. First, it is driven by ‘soft’ mechanisms of Europeanization such as policy transfer. The EU provides the framework for reform and functions as a platform of best practices. Policy transfer mechanisms are implemented in order for member states to pick and choose institutions. Second, domestic mediating factors such as policy preferences are as important as EU obligations. The introduction of the Ombudsman to Greece, Cyprus and Malta demonstrates that hard mechanisms of Europeanization (for example, directives) are not always necessary for change to occur. Soft mechanisms can be equally effective, as long as the political leadership prioritizes the reform. Third, policy change depends on time. Member states adjust their policies and institutions over time. The most common outcome of this adjustment is inertia or incremental change rather than convergence.

INTRODUCTION

The European Union (EU) has become such a powerful organization that it is rare to encounter a discussion about policy change in a member state that does not mention the EU as one of the factors in change. As a result, the literature on Europeanization and policy change has grown (see, for example, Risse et al. 2001; Radaelli 2003). In addition, public policy approaches such as policy transfer that are interested in the diffusion of policies, institutions and ideas, have become more influential (see, for example, Dolowitz and Marsh 1996; Evans and Davies 1999). A starting assumption of this article is that neither Europeanization nor policy transfer approach alone can explain policy change. The aim of the paper is to integrate the two approaches and to contribute to this literature from a historical institutionalist point of view. Initially, the mechanisms, the domestic mediating factors and the possible outcomes of Europeanization are analysed. It is argued that policy transfer can be regarded as a mechanism of Europeanization. Soft mechanisms of Europeanization, the preferences of domestic actors, and the timing of change, are shown to be of particular significance.

The Ombudsman is a good example of the global spread of an idea. The rise of the welfare state led to a growth in national bureaucracies and thus the necessity to protect citizens from maladministration. The institution first appeared in Sweden in 1809 and has since spread across the world including to the majority of EU countries. This paper offers a public policy focus to the mainly legalistic literature (see, for example, Makrydimitris 1996; Besila-Makridi 1998) on the policy transfer of the Ombudsman from a variety of Western European countries to Greece. Greece was one of the last members of the European Union to introduce an Ombudsman; this reform, however, did not occur in a vacuum. There was keen debate and informal pressure at the European level, especially following the establishment of the European Ombudsman in 1995. Furthermore, the determination of the Simitis Government (1996–2000) to introduce the new institution provided the right
timing for the institutional change to take place. A comparison with the introduction of Ombudsman institutions in Cyprus and Malta is offered in order to strengthen the arguments here put forward.

The paper is organized in two parts. The first part discusses the literature on Europeanization from a historical institutionalist approach and links it to policy transfer. The second part provides the link between the theoretical propositions made in the first part and the discussion of the transfer of the Ombudsman institution to Greece, Cyprus and Malta. It analyses the mechanisms and domestic mediating factors of Europeanization as well as the outcomes of the processes. The timing of the reforms is also discussed.

EUROPEANIZATION AND POLICY TRANSFER:
A HISTORICAL INSTITUTIONALIST APPROACH TO EUROPEANIZATION

In this section, the concept of Europeanization is analysed. As Bulmer (2007, p. 47) argues, Europeanization is not in itself a theory and in order to understand its impact, it should be linked to a theoretical framework. In this paper, the theoretical framework that is chosen is historical institutionalism. It is argued that the EU has an impact upon member states by using both soft and hard mechanisms. Policy transfer can be described as one of the soft mechanisms of Europeanization. The main issues that are explored in the cases of the transfer of the Ombudsman in Greece, Cyprus and Malta are: first, the extent to which Europeanization is itself the key process that promoted the reform, second, the timing of the reform and, third, the outcome of the transfer.

The impact of the EU on the domestic level is often described as Europeanization. For Radaelli (2003, p. 30),

Europeanization’ refers to: ‘Processes of (a) construction, (b) diffusion, and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies.

An issue that is often discussed in relation to Europeanization is whether it is the independent or dependent variable in the process of change. European integration theories normally understand integration as the independent variable that affects the member states. Europeanization scholars, who pay more attention to the two-way process of Europeanization, see the domestic level as the independent variable upon which change depends (Bulmer 2007, p. 49). In our view, Europeanization is a process, and thus cannot be either a dependent or independent variable. If anything, the discussion should concern the EU and not Europeanization, and whether the EU is a dependent or independent variable.

The operationalization of definitions of Europeanization has largely followed a new-institutionalist approach. Historical institutionalism has been chosen as the starting point of the analysis because it offers a more general basis, which can allow for the integration of both rational and sociological institutionalism when hypotheses are proposed (Knill 2001, p. 25). This does not mean that historical institutionalism does not have its own social ontology that differs from both rational and sociological institutionalism. This paper follows the Hay and Wincott (1998) argument about structure and agency existing in a duality and historical institutionalism offering a unique opportunity to understand
change. Accordingly, it rejects the Hall and Taylor (1996) proposition of differentiating between calculus (rational choice) and cultural strands within the historical institutionalism approach because this would underestimate the significance of the existence of a diverse new-institutionalism.

Historical institutionalism brings politics into the equation in a dynamic way (Thelen 1999, p. 384). In particular, in relation to European studies, historical institutionalism is useful because it can offer an understanding of change on both the EU and the domestic level (Bulmer 2009). Historical institutionalism focuses on time, timing and tempo and offers a set of concepts such as path dependence, critical junctures and increasing returns that have proven to be very useful in the understanding of change, or indeed the lack of change. Bulmer (2009) notes that even though there have been studies of Europeanization that apply a historical institutionalist approach, they often focus more on institutions and less on time. This paper attempts to take into account both time and institutions in order to explain the incrementalism of change in the cases of the Greek, Cypriot and Maltese Ombudsmen. A three-steps approach, that distinguishes between ‘soft’ and ‘hard’ mechanisms of Europeanization, is applied here, continuing with the analysis of the mediating factors of change and concluding with the possible outcomes of Europeanization (Ladi 2005a).

In terms of the first step, the literature on Europeanization proposes a number of mechanisms that range from ‘hard’ to ‘soft’. Knill (2001, pp. 214–25) suggests that three mechanisms of Europeanization exist. The first is institutional compliance and it refers to explicit European policies that prescribe a specific institutional model that has to be introduced at the level of the domestic environment. The second mechanism suggested is changing domestic opportunity structures. It describes instances where European policies alter the distribution of power and resources between domestic actors and as a result institutional change occurs. It is an example of how timing can accelerate policy change. The final and ‘softest’ mechanism is framing domestic beliefs and expectations. The EU’s goal is to prepare the ground for institutional change by altering the ‘cognitive input’ of domestic actors. It is claimed here that policy transfer is part of the ‘soft’ mechanisms, when a European model does not exist and when there is no obligation by the member state to comply. Policy transfer can be described as a ‘hard’ mechanism when there is a European model to be transferred (for example, a directive). These are the cases where both a legal obligation and a timetable exist.

The second step is to analyse the domestic mediating factors of change. Schmidt (2002, pp. 898–900) introduces five mediating factors useful for empirical research that can be applied in the study of policy change in member states. The first mediating factor is economic vulnerability or international or EU problems that act as pressures for EU policy change (Schmidt and Radaelli 2004, p. 186). This mediating factor, in both of its forms, actually refers to the external factors and the timing of the policy change and how it assists or obstructs the change. The second mediating factor is political institutional capacity, which means the ability of the political actors to impose or negotiate change, depending upon political interactions and institutional structures. The third mediating factor is more structural and concerns policy legacies. It involves the ‘fit’ with long-standing policies and policy-making institutions and is linked to what Thelen (1999, p. 390) calls ‘lasting legacies’, which are the outcomes of critical junctures. In contrast, the fourth mediating factor focuses on agents and their policy preferences, for example, the ‘fit’ with their old preferences and their openness to new. The fifth mediating factor is the discourse and involves the ‘ability to change preferences by altering perceptions of economic
vulnerabilities and policy legacies and thereby enhance political institutional capacity to impose or negotiate change’ (Schmidt 2002, p. 899). Whether all mediating factors are equally significant in policy change occurring or not occurring is an empirical question and the answer may differ between countries and policy sectors.

The final step is to analyse the possible outcomes of Europeanization. The majority of writers, although they use a variety of terms, outline three possible outcomes: inertia, convergence and divergence (Knill 2001; Schmidt 2002; Radaelli 2003). Inertia refers to a situation where lack of change is observed. It can happen when one or more of the five mediating factors do not facilitate change at the domestic level. Historical institutionalism has proved useful in the analysis of inertia, which can also be seen as a process of incremental change (Bache 2008, p. 14). As Thelen (1999, p. 399) argues, in order to understand change, we should analyse previous stability. The second possible outcome is convergence, which is what is assumed to be the outcome of further European integration. Finally, a third outcome is divergence. Although convergence is often regarded as the most likely outcome of Europeanization, scholars of Europeanization have discovered multiple cases of inertia or even of divergence (see Knill 2001, pp. 29–30).

Policy transfer as a ‘soft’ mechanism of Europeanization

Policy transfer analysis has its roots in public policy literature and its interest is in the impact of exogenous factors upon policy-making and policy institutions. This paper adopts the Dolowitz and Marsh (1996, p. 344) approach which argues that:

Policy transfer, emulation and lesson-drawing all refer to a process in which knowledge about policies, administrative arrangements, institutions, and so on, in one time and/or place is used in the development of policies, administrative arrangements, institutions in another time and or place.

Integrating policy transfer with historical institutionalism is possible given that policy transfer is compatible with the idea, put forward by Hay and Wincott (1998), that structure and agency exist in a duality. On the one hand, the socialization effect of policy learning which leads to policy transfer is in place and on the other hand the calculus of the agents in the decision-making and implementation stages of the transfer is acknowledged. The timing of the policy transfer remains a central factor.

There have not been many attempts to relate the Europeanization framework to the policy transfer framework, although the two deal with similar processes (Bomberg and Peterson 2000; Radaelli 2000; Bulmer and Padgett 2005; Ladi 2005b). The argument put forward in this paper is that the two concepts should be merged in order better to understand the role of the EU and of its member states in policy change. A combination of Europeanization and policy transfer can allow for a deeper understanding of cases where no concrete European model exists, ‘soft’ mechanisms are in place, and a ‘search’ for ideas and best practices in different national contexts occurs. Policy transfer can be best described as one of the mechanisms of Europeanization. A historical institutionalist approach to Europeanization allows us to penetrate the historical process and timing of the policy change, while policy transfer adds further depth to the analysis of the implementation of the policy change. For example, the analysis of cases such as the diffusion of the Ombudsman or of policy areas where the Open Method of Co-ordination (OMC) is used are facilitated by a combination of the two approaches.

In light of the above theoretical discussion, the propositions that are put forward for empirical testing are:
1. Policy transfer should be added to the ‘soft’ mechanisms of Europeanization (that is, changing domestic opportunity structures and framing domestic beliefs). All three mechanisms are as important as, if not more important than, ‘hard’ mechanisms for policy change.

2. The domestic mediating factor that is an absolute prerequisite for domestic reform to take place is favourable policy preferences. Political leadership needs to prioritize change in order for policy transfer to be successful.

3. The temporal elements of historical institutionalism (that is, path dependence, critical junctures and increasing returns) are important for the understanding of inertia or incremental change and convergence in EU member states.

EUROPEANIZATION AND THE TRANSFER OF THE OMBUDSMAN INSTITUTION TO GREECE, CYPRUS AND MALTA

Europeanization and administrative change are areas where significant research has been conducted. It has been argued that even though the EU cannot be seen as the single driver of administrative reform, it has significantly influenced the administrative level (see, for example, Kassim et al. 2001). The counter-argument is that the impact of the EU on the administrative level has been minimal compared to other factors such as privatization and New Public Management (see, for example, Goetz 2000; Page 2003). This paper follows the first line of argument. Although no detailed comparative material on the impact of the EU upon the introduction of Ombudsmen in other member states exists, since in most countries the Ombudsman pre-existed accession to the EU, there is evidence of EU influence in new member states. For example, in Malta, although the Ombudsman pre-existed EU membership, its introduction was seen as a preparatory step to EU accession (Mitchell 2002). In Cyprus, an Ombudsman was established in 1991, but it has been argued that it was a result of broader obligations stemming from the perspective of EU membership (Sepos 2008). The supportive role of the EU towards the Ombudsman institution is not surprising given its democratic tradition. Similarly, Ombudsmen are often promoted by international organizations such as the World Bank and the IMF as part of their ‘good’ governance campaigns (Giddings 2000).

This section explores the policy transfer of the Ombudsman institution to Greece by applying the Europeanization framework described above and by testing the three propositions that have been outlined. Comparisons with Cyprus and Malta are offered as controls. First, the three soft mechanisms of Europeanization that facilitated the introduction of the Ombudsman are discussed. Second, the domestic mediating factors that influenced the process of the reform are explored in order to evaluate their importance. Third, the timing of the reform from a historical institutionalist view is analysed. We conclude with an account of the outcome of the process and the implementation of the reform.

The mechanisms of Europeanization

The EU is a central structure for the Greek case study, especially since 1995 when the European Ombudsman was established, and for two main reasons. Firstly, it created indirect pressure and a framework for Greece to follow the European example and to introduce the Ombudsman institution; secondly, the European Ombudsman played the role of one of the central institutional models for Greece. Cyprus adopted the institution in 1991 and Malta in 1995, both prior to the establishment of the European Ombudsman.
but before becoming members of the EU. It is not unexpected that their accession strategy favoured such an institution. The Ombudsman institution has a long tradition in the member states of the EU. Originating in Sweden, the majority of EU member states now have national, regional or local Ombudsmen offices. It seemed natural that the idea of an Ombudsman would be developed for the EU. In 1979, the European Parliament for the first time adopted a resolution calling for its establishment. The idea of a European Ombudsman was closely linked to the idea of European citizenship and an agreement was finally reached to include the institution in the Maastricht Treaty of 1992. The first European Ombudsman was formally appointed by the European Parliament in 1995 (The European Ombudsman 1996, pp. 1–2; Gregory 2000).

Turning to the mechanisms of Europeanization as described in the previous section, the first thing to note is that the transfer of the Ombudsman institution is not a case of institutional compliance since there was no relevant EU legislation that Greece or any other member state was obliged to follow. Indeed, a European administrative model does not exist, which means that directives that refer to core administrative issues are not produced. No ‘hard’ mechanism of Europeanization can be observed. The three mechanisms that have been in place are soft: changing domestic opportunity structures; framing domestic beliefs and expectations; and policy transfer.

Changing domestic opportunity structures
In terms of changing domestic opportunity structures we can talk only about Greece because in Cyprus and in Malta the institution existed long before their entry to the EU. Most of the agents involved in the introduction of the Ombudsman institution in Greece describe the emergence of the European Ombudsman as a significant moment because of the change in opportunity structures. A legal adviser involved in the introduction of the Ombudsman institution in the Ministry of the Interior, Public Administration and Decentralization states:

I believe that the creation of the European Ombudsman was very important for Greece because it created a pressure within the European framework, since Greece was one of the few countries in the EU that did not have an Ombudsman’s office.

In 1996, Makrydimitris edited a book on the Ombudsman institution and organized a book presentation where the European and Cypriot Ombudsmen were invited as speakers, while a number of ministers and government officials were also present. During this presentation, Jacob Söderman (11 November 1996), the European Ombudsman at that time, expressed his wish for such an institution to be created in Greece.

In 1996–97, a change in the distribution of power took place because the introduction of the Ombudsman was prioritized in the agenda of the two biggest political parties and civil society was in favour of it. Academics, consultants and bureaucrats who had always supported the institution found the opportunity to raise their voice and be heard. Although no alteration can be observed in the distribution of resources due to EU funding, the domestic opportunity structures did change and created the right timing for the introduction of the Ombudsman institution in Greece.

Framing domestic beliefs and expectations
Europeanization has always been closely linked to democratic and administrative modernization within Greek, Cypriot and Maltese political discourses. Lavdas (1997, pp. 252–4) argues that since the 1960s modernization has provided clear links between domestic
change and adjustment in Greece and European integration. Mitchell (2002) shows that Europeanization in Malta is tied up with questions of modernization and Sepos (2008) presents a similar argument for Cyprus. Modernization involved the synchronization of developments in these countries and in Western Europe, and the rationalization of public policy. Issues of democratization of public administration were not discussed separately from issues of modernization.

In Greece, the Ombudsman institution fitted this discourse perfectly. Mouzelis and Vassilopoulos (2000, p. 22), who are both founding members of Paremvassi, a non-governmental organization that pushed for the introduction of the Ombudsman, state that: ‘We considered it (the Ombudsman) and we still consider it a basic precondition for the democratic modernization of the country within the European integration framework’. Similarly, Dr Joseph Said Pullicino, the Maltese Ombudsman states (Interview, 14/5/10): ‘The Ombudsman institution is an essential component of the administrative review mechanisms that EU member states are expected to have in place…. By 1995 Malta’s application was in an advanced stage and it’s probable that this was amongst the determining factors that led to the adoption of the Ombudsman institution in that year, which was also one year prior to a general election’.

Policy Transfer
The third mechanism that contributed to the change in all three countries was policy transfer. Investigating the origins of the Greek Ombudsman reveals a hybrid transfer. Most of the agents involved in the creation of the institution mention a different country or combination of countries as the origin of the Greek Ombudsman. For example, an academic and senior government minister argues that: ‘We looked closely at the French model, we looked of course at the Scandinavian model where the idea originates, we looked at the Parliamentary Commissioner in Britain, we looked at the European Ombudsman and we concluded with this scheme and name’. An academic and informal consultant for the introduction of the Ombudsman explains there were three sources that inspired the Greek model: the Scandinavian model, the Anglo-French model and the intermediate model which includes countries such as The Netherlands, Austria and Spain.

As far as the Scandinavian model is concerned, quite a few of the agents involved in the policy transfer refer to the Swedish and Danish models as the most compelling prototypes for Greece. Even though, Lane (2000, p. 143) describes the two models as ‘truly distinct, as they involve entirely different roles for the Ombudsman’, the Greek institution has picked elements from both of them. Sweden was the first country to appoint an Ombudsman in 1809 and its institution is the prototype that other countries always consult (Gregory and Giddings 2000, pp. 1–20). The main differences between the Greek and the Swedish institution are that the Swedish Ombudsman is elected by Parliament and has a wider jurisdiction than the Greek Ombudsman, as well as the right to prosecute civil servants responsible for wrong doing or to institute disciplinary proceedings. It also has responsibility for overseeing the courts (Stacey 1978, pp. 1–17). The main similarity with the Greek model is that the Swedish chief Ombudsman coordinates four Ombudsmen who are allocated different duties. The Danish Ombudsman, created in 1954, also has a greater range of powers than his Greek counterpart, being elected by Parliament and having extended areas of responsibility (Hurwitz 1961). The similarity with the Greek model is that it acts as an investigator and not as a prosecutor. Furthermore, both institutions have acquired a dominant position in handling complaints within their respective administrative systems. The influence of the Scandinavian model
in Greece was particularly significant. A senior government minister argues that: ‘I would say that most of the ideas are taken from the Scandinavian model which forms the prototype and was adapted to the Greek context’.

The second category of Ombudsman institutions of interest to Greece were the French Mediateur and the British Parliamentary Commissioner for Administration. The main similarity between the systems in Britain and France, and indeed their main difference from Greece, is that in these countries the citizen can only put forward a complaint to the Ombudsman via an MP. The MP judges whether the Ombudsman has the jurisdiction to investigate the complaint and only if the answer is positive does he/she pass it to the Ombudsman (Pauti 2000). Another weakness of the Ombudsman institution in both France and Britain, and a difference with Greece, is that the Ombudsman does not have the right to investigate a case on its own initiative. Moreover, the British and French Ombudsmen have a more limited range of competencies than in the Scandinavian case, in a similar vein to Greece (Seneviratne 1994, pp. 17–58; Koulouris 1996, pp. 163–90). Although there are significant differences between the Greek model and the French and British models, many of the legal aspects and the wording used in the law for the Greek Ombudsman, have been transferred from the French Mediateur (Koulouris 1996, pp. 163–90; Besila-Makridi 1998). The long tradition of consulting the French administrative system continued in the case of the introduction of the Greek Ombudsman. A senior official describes the process:

It is mainly the French model. . . . France has the same legal framework as we do. . . . There are many similarities between the two countries such as a centralised system and a large number of municipalities. . . . I visited the Mediateur in France personally and we then collected laws from other countries and finally concluded on this model.

The third set of institutions (described as the intermediate model) which has influenced Greece includes the Ombudsmen of countries such as Spain, Portugal, Austria and The Netherlands. Portugal and Spain are two countries that Greece is always looking to because of the historical similarity deriving from late democratization. Both of these countries have used the same sources that Greece used for the development of their institutions. The main difference between these models and the Greek institution is that their Ombudsmen are elected directly by Parliament (Retuerto Buades 1994, pp. 43–52; Provedor de Justica 2010). Another important difference between Spain and Greece is that in Spain there exist regional Ombudsmen who co-operate with the national Ombudsman. The Dutch institution was introduced in 1982 after 20 years of academic and political discussion (Hertogh 2000). It was inspired by the same sources and has many similarities to the Greek Ombudsman. For example, like the Greek institution, the Ombudsman has the right to start an examination on their own initiative and does not need to receive a complaint (Dutch Ombudsman 2010). Finally, the Austrian model inspired the Greek model, in so far as its collective nature is concerned. In Austria instead of having one Ombudsman, there is an Ombudsman Board of three members. Although the Greek Ombudsman is a one-person authority, its thematic divisions and the way responsibilities are divided between deputy Ombudsmen is similar to the Austrian model. A big difference is that in Austria the whole Board is elected by Parliament (The Austrian Ombudsman Board 2010).

The origins of the Ombudsman institution in Cyprus are also described as a range of European models (Mavris 2001). The Cypriot Ombudsman is called Commissioner of Public Administration and is appointed for a six-year term jointly by the President and Parliament. This makes the institution stronger and more independent than in other countries and than in Greece. Another asset of the Cypriot institution in comparison to
Greece is that it has greater investigatory capacity, while one of its weaknesses is that no assistant Ombudsmen exist (Interview with the Cypriot Commissioner 23/3/10). In Malta, the origins of the institution are clearer. Although the adoption of the institution was emboldened by the EU accession process, the actual model that was chosen came from New Zealand. The Maltese Ombudsman follows the Anglo-Saxon notion of the institution and is designated as Parliamentary Commissioner of Administration. It is interesting to note that the former Chief Justice of New Zealand and President of the International Ombudsman Institute (IOI) acted as a consultant to give his advice to the government and also contributed to the drafting of the legislation (Interview with the Maltese Ombudsman 14/5/10).

In summary, it can be argued that the Greek and Cypriot Ombudsmen are hybrids inspired by many different European models, all playing an equally important role in their creation. Although these countries looked at the European countries that they traditionally transfer from (that is, Greece looked at France and Cyprus looked at the UK), the final outcome is a European hybrid. In contrast, in Malta, although the drive came from Europe, the actual model was transferred from New Zealand. It can be argued that policy transfer is the third soft mechanism of Europeanization and it can prove to be particularly interesting because it often reveals connections with countries out of the EU, as in the case of Malta, without denying the importance of the European momentum. It is clear from this discussion that policy transfer offers more depth in the analysis of the new institutions.

The domestic mediating factors

One of the innovations of the framework used in this paper is its emphasis on the domestic mediating factors in exploring the acceleration or delay of changes before turning to the implementation and the outcomes of the transfer of the Ombudsman institution in Greece, Cyprus and Malta. Each of the five mediating factors is analysed below.

International or EU problems

The first domestic mediating factor concerns the position of the country in its external environment. Schmidt’s (2002) hypothesis that a country that occupies a weak position in the international political-economic environment will be more open to change does not apply in the transfer of the Ombudsman institution to Greece. Neither the Explanatory Report (1997) of the Law nor the Parliamentary Minutes refer to the economic vulnerability of Greece in order to support the introduction of this new institution (Parliamentary Minutes RA 1997). The same can be said about Cyprus and Malta where the timing of the reform is closely linked with changes in the domestic politics and not with their position in the international political economy.

Nevertheless, the Ombudsman institution is a good example of the global spread of an idea which came into existence in response to a problem with international dimensions (see, for example, Gellhorn 1967; Rowat 1985). The rise of the welfare state has led to a growth in national bureaucracies and as a consequence the emergence of the necessity to protect citizens from maladministration. Furthermore, from the mid-1980s, ‘new’ democracies also started adopting similar institutions in order to prevent maladministration, corruption and infringements of human rights (Gregory and Giddings 2000, pp. 1–20). In 1978, the International Ombudsman Institute (IOI) was established and had as one of its primary purposes, ‘the promotion of the concept of Ombudsman and the encouragement of its development throughout the world’ (IOI 11 June 2001, p. 4).
In the case of Greece, representatives from the Ministry of the Interior, Public Administration and Decentralization participated in the conferences organized by the IOI and the fact that the institution already existed all around the world meant, in the words of a legal adviser involved in the introduction of the Ombudsman Institution, that: ‘There was a general pressure from the rest of the world for Greece that had already delayed the introduction of the institution, to proceed with the establishment of the Ombudsman’. The Explanatory Report (1997, p. 2) of the Ombudsman legislation emphasizes the importance of the international environment:

Today, in conditions of globalization of the market and facing the direct prospect of European unification, with economic structures being more and more comparable, the quality of public services and their relationship with the citizens constitutes a fundamental factor which will indicate the difference and create comparative advantage in the development effort. Institutions, such as the Ombudsman, which will activate society in its attempt for the improvement of structures, of processes and of services, will play a leading role.

The influence of the international environment to Greece is not surprising and the experience of Cyprus and Malta is similar, especially if their small size is considered. The direct involvement of IOI’s President in the design of Malta’s institution is characteristic of the influence that international structures can have on small states (Interview with the Maltese Ombudsman 14/5/10).

At a more theoretical level, this first mediating factor is not considered to be very relevant in understanding the challenges of the introduction of a new institution, more importantly, because in reality it does not refer to domestic parameters but to international pressures that could be also described as exogenous mechanisms, similar to European mechanisms.

Political institutional capacity

The political institutional capacity in Greece can be described as positive at the time of the introduction of the Ombudsman institution because of the emergence of independent authorities (IAs) at the end of the 1980s in the Greek political system. IAs can be divided into regulatory IAs (for example, the Hellenic Competition Commission) and citizens’ rights IAs (for example, the Greek Ombudsman). Regulatory IAs have been more clearly promoted by the EU than citizens rights’ IAs (Spanou 2008). It was in 1989 that the creation of the National Radio and Television Council marked the introduction of IAs into the Greek political system. The importance of the introduction of IAs for the Ombudsman institution lies in the fact that they created the right institutional climate. The Ombudsman is the first citizens rights’ IA and is often described as the most successful independent authority in Greek administrative history.

The Constitutional revision of 2001 incorporated five of the most important IAs in the Constitution, including the Ombudsman, in order to guarantee their long-term functioning, given the short life that institutions often have in Greece. The parliamentary discussion and the debate that followed showed that their position and the guarantee of their independence in the political system of Greece is still fragile (Kaminis 2006; Spanou 2008). Thus, although the political institutional capacity facilitated the introduction of the Ombudsman, its future cannot be assured (Interview with the Greek Ombudsman 2/4/09).

In Cyprus, the political institutional capacity was present even earlier. Its administrative and judicial structures are well developed. The first law introducing the Ombudsman
institution was voted in 1972 but objections were raised by the Supreme Court. By the time they were overcome, the events of 1974 interrupted the process which was resumed in 1991 (Interview with the Cypriot Commissioner 23/3/10). Nevertheless, the delay was not due to a lack of political institutional capacity but due to political instability. In Malta, the change of government in 1987 signified the introduction of institutions such as the Commission for the Investigations of Injustices and the Permanent Commission against Corruption. Although one year after the operation of the Permanent Commission, its Head was admitting that none of the investigations was satisfactory, the political institutional capacity for the introduction of the Ombudsman had been created (Mitchell 2002).

**Policy legacies**

The institutions for the protection of citizens against maladministration that existed before the creation of the Ombudsman in Greece cannot be described as independent authorities and thus it cannot be argued that a long-standing policy legacy has been present in Greece. In 1959, the Central Service for the Investigation of Complaints (CSIC) was created. CSIC units existed in each ministry and in each prefecture with an additional central service in the Prime Minister’s office. The CSIC was not independent because it was both too close to central government and dominated by the Prime Minister’s office. It was ultimately abolished by the Military Regime in 1967, at which time a new institution called the ‘Commissioner of the Administration’ was created by the Greek Colonels. The law concerning the Commissioner looked extremely progressive and was inspired by international models but in reality the new institution was a puppet of the military regime designed to supervise public servants.

In 1987, one more attempt was made to create a mechanism for the protection of citizens against maladministration by public organizations. This was the Corps of Public Administration Inspectors (CPAI), a semi-autonomous board responsible for dealing with individual cases of maladministration and for proposing ways of improving public services. In a similar vein to the CSIC, the CPAI was too close to central government to be independent. The 1987 Act also created the ‘Mediator of the Administration’ which was an institution very different to the international type of Ombudsman. Instead of being a mediator between the citizens and public administration, this institution was a mediator between the government and the CPAI (Oikonomou 1996, pp. 99–162). Additionally, both of these institutions were internal mechanisms of control enclosed within the Ministry of Interior, in contrast with the international type of Ombudsman, which is an independent authority. Both the CPAI and the ‘Mediator of the Administration’ were abolished in 1997 and replaced by the Corps of Supervisors-Inspectors of Public Administration and of the Ombudsman.

In Cyprus, the policy legacy was quite different and more open to control mechanisms since it followed the British tradition. The administrative and judicial structures were fully developed and if anything the question was whether such an institution was necessary in a system were judicial justice was guaranteed. The European prospect of Cyprus enriched its policy legacy and allowed for the introduction of the Ombudsman institution (Interview with the Cypriot Commissioner 23/3/10). In Malta, the policy legacy before 1987 was perceived as authoritarian, characterized by a lack of citizens’ protection, abuse of power, and corruption. It was only after the change of government in 1987 that a political consensus on the necessity of setting up an Ombudsman institution was created (Interview with the Maltese Ombudsman 14/5/10).
Policy preferences
In the period of the introduction of the Ombudsman in Greece, it is clear that there was a policy preference for such an institution. Although the discussion of the necessity of an Ombudsman institution had started much earlier, it was during the first Simitis Government (1996–2000) that the preference was prioritized. The Prime Minister, K. Simitis, and the ministers in key positions, such as A. Papadopoulos, decided to support the introduction of a strong Ombudsman. It cannot be argued that there was a consensus between the political parties or even between the members of the ruling party during the discussion of the new law, but an agreement was reached and the legislation for the Ombudsman was passed (Parliamentary Minutes RA 1997). The new institution was blessed with a good infrastructure, an adequate budget and above all with the choice of a politically neutral and widely respected professor of political science as the first Ombudsman. Professor N. Diamandouros was the ideal person to boost the new institution and to demonstrate the policy preference of the government for an independent and strong institution. It is interesting that most of the key actors (that is, a former Minister of the Interior, the first Ombudsman and two of its deputies) claim that the prioritization of the introduction of the Ombudsman institution by the political elite was the most important domestic factor in the success of the transfer, confirming the second theoretical proposition developed above.

The two other case studies also confirm the proposition. In the case of Cyprus in 1991, when then Ombudsman was introduced, an important event was the change of the Attorney General of the Republic. The new Attorney was Mr Triandafyllides who previously chaired the Supreme Court. He had a great deal of interaction with the EU and decided to promote the Ombudsman institution. The full support of the President of Democracy, Mr Vassiliou, facilitated the implementation of the idea (Interview with the Cypriot Commissioner 23/3/10). In Malta, apart from the significance of the dramatic change in the political climate ‘the strong personality of the then Prime Minister to propose Malta for accession to the EU was a factor that triggered the final decision’ (Interview with the Maltese Ombudsman 14/5/10).

Discourse
Democratic modernization and Europeanization were the dominant themes in discourse during the period of the transfer of the Ombudsman to Greece and thus the political climate was positive for the introduction of such an independent authority. What democratic modernization meant was a synchronization of developments in Greece and in Western Europe and a rationalization of public policy. A more citizen-oriented public administration was seen as essential to the democratic modernization process. Similarly, in Cyprus, a citizen-oriented government and Europeanization were part of the discourse that facilitated the introduction of the Ombudsman institution. In Malta, the discourse incorporated modernization, the fight against corruption, and Europeanization (Mitchell 2002). As discussed above, domestic beliefs and expectations were adequately framed and the Ombudsman institution fitted this discourse of all three countries perfectly.

The timing of the introduction of the Ombudsman institutions
The value of a historical institutionalist approach is that it focuses on time, timing and tempo and by using concepts such as path dependence, critical junctures and increasing returns can assist in the understanding of change or indeed the lack of change. In the language of Europeanization it can show why convergence, inertia or divergence takes
place at a particular moment in time. The question, then, is why the Ombudsman was introduced in Greece, Cyprus and Malta at these particular moments in time. As noted previously, various attempts had been made in Greece as well as in Cyprus and in Malta to improve citizen-administration relations but not very successfully. In this section it will be argued that the delay in introduction of the Ombudsman institution in Greece was not just due to a conflict between the two major political parties but mainly to a delay in prioritizing this particular transfer in the political and administrative modernization agenda. In Cyprus and Malta the delay was due to much more significant political events that obstructed the introduction of such an institution.

A discussion on the introduction of the Ombudsman institution in Greece had started as early as 1990, although it was seven years before the institution was finally introduced. A senior official at the Ministry of Interior argues that: ‘Generally, the development of institutions in Greek public administration has a slower pace than in other countries where the state was formulated much earlier. . . . As was to be expected, the same thing happened with the Ombudsman’. Makrydimitris (1996, pp. 66–71) notes that the first time the idea of introducing the Ombudsman to Greece appeared in an official document was in a report from the Ministry of the Presidency of the Government (1990, p. 62) which said that there was a:

possibility of importing to our country the Ombudsman institution, which is of Swedish origin and has been exported to other European countries such as Britain and France, that have developed a parliamentary form of the institution.

The idea for the introduction of the institution originates in the interaction of Greek bureaucrats with international organizations and Ombudsmen in other countries at international conferences. In 1990, the Ministry of the Presidency of the Government, and in particular the Department of State-Citizen Relationship, translated an OECD report on public administration and its relationship with citizens into Greek in order to promote the Ombudsman institution (Makrydimitris 1996, pp. 67–8). This shows a tendency to transfer the institution as early as 1990.

While this exchange of ideas was taking place, a report from the Ministry of the Presidency (1992) on Public Administration Towards 2000 made its appearance and once more proposed the introduction of the Ombudsman institution. Although the climate was positive, the Governmental Programme of Administrative Modernization, 1993–95, only called for a study of the institution, not its immediate introduction (Makrydimitris 1996, pp. 69–71). The first draft law of the Ombudsman institution was completed when Kastanidis was Deputy Minister for the Interior, Public Administration and Decentralization. In an interview with the author he argues that:

The first attempt and the first complete draft law for the Ombudsman was developed when I was in the Ministry of the Interior, Public Administration and Decentralization. I was Deputy Minister back then. It was then that a complete draft law was created. Later, other colleagues of mine were responsible for presenting it to Parliament, but I have to say with fewer functions and responsibilities than the ones included in the first draft.

In addition, in 1995, the office of the European Ombudsman opened and tried to organize a range of co-operative activities with national Ombudsmen, an institution which was still not established in Greece (Makrydimitris 1996; Besila-Makridi 1998). It has been argued that this was the catalyst for the introduction of the Ombudsman in Greece. For instance, the first Greek Ombudsman argues:
After 1995 and the introduction of the European Ombudsman the pressure for change became more overt. Most EU countries had national offices and even Eastern European countries had started creating national Ombudsmen. Greece started to feel that it was a laggard.

Between 1996 and 1997, when the Ombudsman was finally introduced to Greece, an interest in its establishment was shared by the two main political parties (PASOK and ND). Both of them, ND in 1996 and PASOK in 1997, proposed draft laws for the establishment of the Ombudsman and agreed on the necessity of the institution. They disagreed about the specific institutional form it should take (Makrydimitris 1996; Besila-Makridi 1998). However, it is evident that the personal intervention of the Prime Minister made all the difference in moving the draft laws forward (Simitis 2005, pp. 381–3). The first Ombudsman notes:

In this particular case, it happened that the Prime Minister was particularly interested in this institution and that’s why the Ombudsman was given the chance to start with a better infrastructure than most other independent administrative authorities.

This exact point was later reinforced by the new Ombudsman, G. Kaminis, at a seminar in Athens (Personal Notes, ELIAMEP, 29 January 2004).

In Cyprus, the discussion for the introduction of an Ombudsman institution had started even earlier. In 1972, the first law establishing the Ombudsman was introduced and published in the Government Gazette but it was not implemented because of the reaction of the Supreme Court. When this was solved it was too late because of the Turkish invasion in North Cyprus in 1974. It was only in 1991 that the Ombudsman was established after a consensus was reached between the judicial and political elite of the island (Interview with the Cypriot Commissioner 23/3/10). It can be argued that in Cyprus the reasons for the delay were rather different than in Greece. It was the political and military situation in the island that obstructed innovation and not an internal conflict of the political system.

In Malta, since independence in 1971 a discussion started on the necessity to provide citizens with means of redress for grievances caused by government action. But according to the Maltese Ombudsman (14/5/10), ‘the significant event that triggered off the final decision to set up of the Ombudsman institutions was the change of Government in 1987’. After 1987 a political consensus on the importance of the Ombudsman was created and in fact the Ombudsman Act of 1995 was unanimously approved. The proposed accession of Malta to the EU further strengthened the idea of an Ombudsman institution. The creation of this new institution was perceived as a remedy to the abuse of power and corruption that were widely spread before 1987 (Interview with the Maltese Ombudsman 14/5/10).

In conclusion, in relation to Greece, it is argued that a multiplicity of reasons – mainly related to the sluggishness of the Greek administrative system and the weak policy legacies towards state-citizens relations – delayed the transfer of the Ombudsman institution. The administrative path of a hierarchical, legalistic state, remote from its citizens, had been followed in modern Greece for a long time and although the cost of changing this path did not seem to be very high, even a small change was delayed and momentum was needed. Two events, not particularly grand in themselves, can be described as the critical junctures that were necessary for change to occur. Firstly, the emergence of the European Ombudsman caused a feeling of delay in the Greek political and administrative system and, secondly, Simitis’ personal support translated itself into a solid technical
infrastructure and adequate personnel to serve the new institution. It can be argued that change took place with incremental steps, but the path has remained the same.

In Cyprus, although the policy legacy was closer to the idea of control mechanisms and of good state-citizen relations, the events of 1974 can be described as the critical juncture that paused the process of reform. After order was regained, the introduction of the new institution took place incrementally. In contrast, in Malta, the change of government in 1987 can be described as the critical juncture that pushed the establishment of the Ombudsman forward. The new institution was supposed to break with old policy legacies of corruption and injustice. To guarantee its success, incremental steps were taken, such as the establishment of a Commission for the Investigation of Injustices and a Permanent Commission against Corruption. What can be concluded from the three case studies is that the exact timing of the reform depends more on domestic factors than on exogenous developments such as Europeanization and that incrementalism is a recurring theme.

The outcomes: Greece, Cyprus and Malta
The outcome of the process can be described as convergence, but the paths towards Europeanization have not been without obstacles. In Greece, for quite a few years the process could more aptly be described as inertia, because although discussions were taking place and attempts to create control mechanisms of public administration were made, the introduction of the institution was delayed. The same can be said for Cyprus and Malta because from the first time that the prospect of the creation of the new institution was discussed, it took some time until a final decision was taken. As Thelen (1999, p. 399) argues, by analysing stability we can understand change, and in the case of the three Ombudsmen it was not just Europeanization that promoted the introduction of the new institution. In Greece, it was the policy preferences of the Simitis Government and the maturing of the system. Nevertheless, the government was functioning within the discourse of Europeanization and modernization. It is thus better and more accurate to talk not about an outcome of Europeanization but instead about convergence through mechanisms of ‘soft’ Europeanization and in particular of policy transfer with a European focus. It is claimed that the transfer of the Ombudsman institution to Greece has been successful. This claim is based upon two elements: first, the institutional form of the Greek Ombudsman, which is close to the institutional prototype and the European examples that were used and, second, the smooth functioning of the institution in its first decade of activity.

The same applies to Cyprus and Malta. It cannot be argued that the introduction of the Ombudsman was only due to Europeanization. In Cyprus, a change in the judicial and political elite of the island played a significant role. In Malta, the change of government in 1987 and the wish to promote fair administration were catalytic. Thus, in both these cases – similarly to Greece – it is more precise to talk about convergence through mechanisms of ‘soft’ Europeanization and in particular of policy transfer with a European focus. The transfer in both cases can be described as successful because of the institutional form that the Ombudsman has taken in the two countries and because of the way it has been operating since its establishment.

The content of the transfer in Greece was the Ombudsman as established in 1997 in the form of an independent administrative authority (Law No 2477/1997). It is better described as a hybrid institution transferring the experience of a variety of European countries. It has a triple role: to protect citizens’ rights, to combat maladministration, and to contribute to observance of the rule of law. Its working method is to mediate between public authorities
and citizens. Although it also has investigative competencies, its performance up to now has highlighted its mediation role (Sotiropoulos 2000, pp. 53–5). With the revision of the Constitution of the 6 April 2001, the Ombudsman institution is constitutionally safeguarded. In addition, with the amendments made in the Parliamentary Statute on the 6 December 2001, its democratic legitimacy is enhanced. A new law has been adopted (Law No. 3094/2003) that introduces some changes in the initial institutional framework and expands its responsibilities.

The Ombudsman is selected by the Presidents’ Conference, which is a highly respected committee of Parliament, either unanimously or with a 4/5 majority of its members. The Ombudsman used to select four deputy Ombudsmen responsible for particular areas of work, but under the 2003 law a fifth deputy Ombudsman was added, responsible for children’s rights. Since 2006 (Law No. 3488/2006), the Ombudsman’s responsibilities have been extended to issues of gender equality and a sixth deputy Ombudsman has been established. In brief, the Ombudsman institution is divided into six divisions and each deputy Ombudsman is responsible for a single division. These are human rights, social protection, quality of life, state-citizen relations, the protection of children’s rights, and gender equality (Greek Ombudsman 2008).

The Ombudsman can take action either on receipt of a written request or on his/her own initiative in cases involving the public interest. He/she is qualified to examine cases related to public authorities, local government, entities under public law and public services such as electricity, water companies and transport. The following areas are exempt from the scrutiny of the Ombudsman: the political actions of ministers, the ecclesiastical institutions, the courts, the military services, issues that concern national defence and security, the national information service, the Ministry of Foreign Affairs, issues that concern foreign policy and international affairs, other independent administrative authorities, and issues that concern the position of civil servants in their posts.

In principle, the institutions that were established in Cyprus and Malta are not very different from the Scandinavian prototype or indeed from the Greek Ombudsman but a tendency towards the Anglo-Saxon model can be observed. This is evident even in the choice of the name ‘Commissioner’ in both countries. The legal basis of the Cypriot Ombudsman is the Commissioner for Administration Act (Law Gazette No. 3 1991, as amended; Law Gazette No. 36 (I) 2004). Although its role is similar to the Greek Ombudsman, it has further developed the field of human rights, given that maladministration in Cyprus is not as extended as in Greece. Additionally, the Ombudsman possesses increased capacity in the field of human rights because they act as the Head of the Equality Authority and of the Anti-Discrimination Body of Cyprus. The Cypriot Ombudsman has significant investigative powers and can initiate investigations on his/her own initiative, although mediation with public administration is generally preferred. The Ombudsman is appointed by the President of the Democracy on the recommendation of the Council of Ministers with the consent of the House of Representatives. The scope of control is broader than in Greece and includes all public services that are accountable to the Republic. Ombudsman power covers local authorities, the public education service, the police, the army, the national guard and public corporations (Kofler 2008).

The office of the Ombudsman in Malta was given assent by the President with the Act XXI (1995) after it was enacted by the Maltese Parliament. The goals of the Maltese Ombudsman, similarly to the Greek and Cypriot institutions, are to deal with citizens’ complaints, to cultivate cooperative working relations with agencies, and to foster high standards of administration (Commonwealth Secretariat 2002). In practice,
the key area of concern for Maltese society was administrative injustice and the fight against corruption. The Maltese Ombudsman, following the Anglo-Saxon model, is an Official of the Parliament who is appointed by the President acting on a resolution of the House of Representatives supported by no less than two-thirds of all Members of the House (http://www.ombudsman.org.mt/). Similarly to the Cypriot institution, no deputy Ombudsmen are appointed but a campaign exists to unify the Ombudsman service in the country. This would bring together institutions such as the Commissioner for Children and the Audit Officer of the Malta Environment and Planning Authority (Parliamentary Commissioner 2008). The Maltese Ombudsman has a large mandate to investigate complaints concerning public authorities, the only exemptions being the President, the House of Representatives, the Cabinet, the Judiciary, the police and the armed forces (http://www.ombudsman.org.mt/).

Evaluating Ombudsmen systems is an area that is still under-researched but is important for ensuring both the accountability and improvement of the institution (Aufrecht and Hertogh 2000). Danet (1978) proposes three sets of measures: citizens’ complaints, the impact of the Ombudsman upon the administrative system, and the effectiveness of the Ombudsman’s office. Most Ombudsmen offices produce annual reports and statistical data that permit an initial evaluation. The difficulty is to assess the qualitative impact of the Ombudsman upon the services offered to citizens and the initiation of administrative reform. In this paper, only an initial assessment of the functioning of the Greek, Cypriot and Maltese Ombudsmen is attempted based on annual reports and three series of interviews.

Twelve years after the opening of the Greek office, the Ombudsman has argued that the general feeling is that it is a successful institution that has expanded its activities, secured its independence, and is trusted by the people. In 2008, 10,954 citizens’ complaints were filed (an increase of 3.23 per cent from 2007) of which 2,499 were solved positively. A number of prosecutions of responsible civil servants were initiated. Additionally, the Ombudsman investigated on his own initiative cases that were thought to be important, such as the situation in the areas that suffered from the 2007 fires and the conditions in public kindergartens. Reports are produced annually on important issues, with the aim of assisting the public bureaucracy to improve its services (Greek Ombudsman 2008).

This is similar to the feeling about the performance of the Cypriot institution. In the annual report of 2008, Mrs Nicolaou claims that a lot of ground has been covered in the field of maladministration, and the Ombudsman is now expanding its activity in new areas. Human rights, and especially those of disadvantaged groups such as of immigrants and prisoners, is an obvious area for further work. Two special reports have been produced on citizens’ treatment by the police (Cypriot Ombudsman 2009). The same climate of positive influence on the public sector culture applies to Malta (Parliamentary Commissioner 2008). The active role of the Maltese Ombudsman in improving public administration in Malta is also demonstrated by his latest report on the principles that should govern relations between the national government and public authorities (Parliamentary Commissioner 2010).

Table 1 compares the number of complaints in Greece, Cyprus and Malta from 1998 until 2008. Although the size of the three countries is rather different, we can still observe decreases or increases in the absolute numbers. In Greece and in Cyprus, the number of complaints that the Ombudsman receives over time has been constant. In Malta, the figure can be seen to be stable over time. Another interesting figure for Greece is the level of acceptance of the Ombudsman’s legislative and organizational proposals by public
TABLE 1 Complaints to Ombudsmen in Greece, Cyprus and Malta, 1998–2008

<table>
<thead>
<tr>
<th>Year</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>1,430</td>
<td>7,284</td>
<td>10,107</td>
<td>11,282</td>
<td>11,762</td>
<td>10,850</td>
<td>10,571</td>
<td>10,087</td>
<td>9,162</td>
<td>10,611</td>
<td>10,954</td>
</tr>
<tr>
<td>Cyprus</td>
<td>947</td>
<td>1,267</td>
<td>1,273</td>
<td>1,331</td>
<td>1,543</td>
<td>1,840</td>
<td>2,484</td>
<td>3,185</td>
<td>3,095</td>
<td>2,964</td>
<td>2,605</td>
</tr>
<tr>
<td>Malta</td>
<td>1,131</td>
<td>1,068</td>
<td>1,007</td>
<td>1,122</td>
<td>1,025</td>
<td>928</td>
<td>1,154</td>
<td>916</td>
<td>1,010</td>
<td>1,295</td>
<td>1,020</td>
</tr>
</tbody>
</table>


authorities. In its 10 years of existence, 31.24 per cent of its proposals have been accepted, 64.32 per cent are still pending and 3.74 per cent have been rejected (Greek Ombudsman 2008, p. 21). Given Greece’s tendency not to implement public law, this is considered to be a satisfactory figure.

Even if the Greek Ombudsman is only one effective institution in an administration that is still characterized by its past legacies, it can be argued that it contributes significantly to the Europeanization of Greek public administration by its legal and policy proposals but also by its own exemplary performance. The Ombudsmen of both Cyprus and Malta agree that their institutions contribute to the Europeanization of their public administrations. What is interesting is that although the past legacies of the three countries are rather different the institutional outcome of Europeanization is similar.

CONCLUSIONS

The analysis of the transfer of the Ombudsman institution to Greece, Cyprus and Malta within the Europeanization framework allows us to draw a number of theoretical and empirical conclusions. The first conclusion concerns Europeanization and its impact upon change. It can be argued that in all three cases ‘soft’ mechanisms of Europeanization (that is, changing domestic opportunity structures, framing domestic beliefs and policy transfer) have been important for the transfer of the institution and indeed more important than ‘hard’ mechanisms (that is, institutional compliance). This is a conclusion that reinforces the ‘socialization’ argument often made in the Europeanization literature. The lack of coercion towards a specific European model meant that Greece, Cyprus and Malta adopted ‘hybrid’ institutions that were inspired by a variety of prototypes. It is thus more accurate to talk about the transfer of hybrid institutions following a European paradigm which includes both the European Ombudsman and the Ombudsmen of the member states.

A second conclusion about the Europeanization literature is that it is a mistake to see the introduction of the Ombudsman institution just as an outcome of Europeanization, and this indeed is one of the weaknesses of reports in the literature, where priority is given by default to European rather than to domestic mechanisms of change. The policy preference of the Simitis Government towards the establishment of the institution, for instance, should be seen as more than just a domestic mediating factor but as a domestic mechanism of change. If the government had not prioritized the change, the mechanisms of Europeanization would not have been adequate for the change to occur, as indeed has been the case in many other reform processes in Greece and elsewhere. The same can be argued for Cyprus and Malta where a change in their political and judicial governing elite was the turning point for the reform to materialize. The case of Malta where the institution that was established followed the New Zealand model is particularly interesting.
because it demonstrates the close relationship between Europeanization and New Public Management. Having said that, it is important to note that the discourse that all three governments were promoting at the time of the reform was that of Europeanization and modernization. It can be concluded that although there is no hard evidence of Europeanization being the driver of change, we can indeed argue that Europe has been the ally of Greek, Cypriot and Maltese modernizers.

The third conclusion is that time is important for the understanding of policy change within the Europeanization framework. Inertia can be observed for a long period of time. Path dependence, critical junctures and increasing returns are useful concepts for exploring policy change within EU member states. For example, in the case of Greece, the path that had been traditionally followed was that of a hierarchical public administration based on nepotism and remoteness from the citizen. Any attempt to create control mechanisms had been top-down and partial up to the moment that a critical juncture was encountered and incremental change was initiated. The establishment of the European Ombudsman (1995) and a government which believed in the modernization of public administration (1996) created the right moment for change. The cost of change did not seem high, because political consensus existed and there were no organized interests opposing the reform. Nevertheless, the establishment of the Ombudsman institution in Greece, or indeed in Cyprus or Malta, does not mean that the path has been changed. It signifies a detour that, if followed by more subsequent governments, could lead to a different path.

ACKNOWLEDGEMENT

I would like to thank the participants of the conference ‘The Challenge of Reform in Greece 1974–2009: Assessment and Prospects’, Yale University, 8–9 May 2009 for their useful comments on an early draft of this paper. I would also like to acknowledge the generous support of the Consultancy Kedros S.A. during my fieldwork in Cyprus. Finally I would like to thank the anonymous referees for their insight and suggestions and all the interviewees for their time and valuable information.

REFERENCES

Commonwealth Secretariat. 2002. A Profile of the Public Service of Malta.
Danet, B. 1978. ‘Toward a Method to Evaluate the Ombudsman Role’, Administration and Society, 10, 3, 335–70.


Sotiropoulos, D. 2000. ‘Ο Συνήγορος του Πολίτη στην Ελληνική Πραγματικότητα’ [The Ombudsman in Greek Reality], Κοινωνία Πολιτών [Civil Society], 5, 1, 53–5.


Date received 29 May 2009. Date accepted 8 October 2010.