

Report of a Study Tour to South Korea (ACRC)

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By

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Although the Anti Corruption and Civil Rights Commission (ACRC) has been newly established only about two years, it is not new in experience since it combined three experienced organizations on public oversight. They are the Ombudsman of Korea, the Korea Independent Commission against Corruption, and the Administrative Appeals Commission. A study tour to Korea during 29 November – 5 December 2009 under RETA Project supported by Asian Development Bank (ADB) has created collaborative atmosphere among AOA member countries on knowledge and experience exchange on Ombudsman work.

ACRC has been regarded as one of potential organization successfully on the use of ICT for complaint handling. It's unfortunate to have quite short period of time to study in depth in the specialized area of ACRC. However, due to a keen experience of ACRC personnel provided for discussion with a group, I have an opportunity to acquire some knowledge able to share concerning lesson learned below. I also make some observation why ACRC has been successful in its career particularly on ICT. In the last part of this report will inform about what has been done after returning from KOREA and further step as a result of a study tour.

Issues of Lesson Learned

Alternative Dispute Resolution (ADR)

Normally when people complain to the agencies responsible for complaint handling, they would like to have their problems solved. Investigation is one way of doing it by the responsible agency. However, official investigation may take a period of time since it is necessary to provide an opportunity to concerned parties to defend with relevant evident. In some circumstance, the complained cases have to be brought to the court of justice leading to a win – lose situation and some possible problems or confrontation later on. However, the

people who submit complaint are mostly disadvantage by their own situation. It is therefore difficult to them to handling with the public authorities. Nevertheless, their problems are still there. In addition, the Ombudsman has an authority of recommendation, but no legal binding force.

ACRC try to avoid that situation by launching mediation programme as an Alternative Dispute Resolution (ADR) in which concerned parties can have a choice to settle their problems in a agreeably peaceful manner.

What's interesting is that an article of mediation was enacted Oct. 30th, 2005 in the Ombudsman Law. Through the course of doing mediation, it is proved statistically that the trend and outcome of complaint resolution through mediation has been increased. This measure is widely applied since it provides parties concerned in a participatory process of decision making.

Last Resort

The Thai Ombudsman has no provision stating that the Ombudsman can be a last resort for complaint handling. Therefore, every case coming to the office has to be accepted for further investigation if falls into jurisdiction. We hence have to be busy with various miscellaneous cases in which the relevant agencies can solve better than sending to the Ombudsman. In addition, it consumes spare time for systemic investigation which certainly can solve the problem in a holistic manner.

Being a Last Resort of the ACRC is therefore interesting. This allows ACRC more time to focus on the systemic investigation or a complex complaint affecting the whole public. In connection to this, the Internal Complaint Handling System (INCH) has also been enhanced so that the concerned public authorities can manage the case in an effective and efficient manner leading to a satisfaction of complainants.

Technique towards Recommendation

In pursuant to a realization of not having legal binding force, the Ombudsman of the ACRC therefore tries every possible way to make its recommendation convincing to the

public authorities to comply with. A technique to this extent is discussion between ACRC and concerned public agencies before issuing an official recommendation. This mechanism provides public agencies an opportunity to consider whether a recommendation is practical to the existing circumstance and/or existing capacity of such institutions. If yes, a recommendation will be further complied, with prior notice, successfully in a friendly atmosphere between ACRC and public authorities. If not, there will be room for reasonable discussion to modify or correct recommendation to suit the existing circumstance. In addition, if there is a policy implication beyond that requires more institutions involved to solve the problem; ACRC will have an opportunity to adjust its recommendation to include those agencies as well. This then make a recommendation from ACRC more useful and practical. Most importantly to this kind of mechanism, it will build up a more creative, collaborative and friendship networking among ACRC and concerned parties toward fruitful complaint handling.

Communication with People

e-people

It was very impressive mechanism to make people worldwide to contact with the Korean Government through an online portal system. It is able to eliminate a confusion when people lodge a complaint. The system will classify where such complaints should go to which particular agency. This can save time and other resources concerned. The system also provides diversified areas of services: Civil petition; Civil proposal service; Policy discussion; Corruption Reporting Service; Administrative appeal, where people can apply as they like. It is very beneficial to the complainants since complaint handling process is real time notification via email/cell phone in which they can evaluate automatically by the system. 110 Call Center.

Call center is another mechanism the government provides for the people to contact with for various options: inquiry and counseling. This leads to cost saving for both sides; the people and agencies. People accessibility has been enhanced. Phone charge for the people has been reduced.

What's interesting to record is that the 110 Call Center has always updated information frequently changed so that the official can provide precise and update information to the people who call for inquiry or counselling. In addition, this call center can save time and cost for the people since the line can be connected to relevant public agencies without having hung up the phone from call center and make another call to different agencies.

Observation on Key to Success of ACRC

A study tour constructively created a certain level of knowledge and experience exchange among member of AOA on Ombudsman work. However, the topics on the use of ICT and ADR actually have much more detail to study. A time given was not sufficient for in-depth understanding. Nevertheless, highlight explained by knowledgeable person from ACRC was very impressive and convincing on the success of the use of ICT and ADR on complaint handling. Of course, it is worth and tempting for further study in detail. However, having knowledge so far, I have an observation why the use of ICT and ADR by ACRC has been very successful for a better complaint handling as the following.

Vision and Commitment

It was reported that an idea for one stop service for complaint handling by using the IT started in 2003. It took several years for development; many resources were dumped towards this vision. Looking back to the process, without strong commitment by the central government, a successful and reported ICT system connected to the people for complaint handling may not be come true. Therefore, a credit in this regard should be given to the vision and strong commitment of the central government of Korea and the management team.

Human Resource Development

Human resource is one of the key factors on the process of development. The use of ICT for complaint handling is an innovation that requires a readiness of concerned parties able to absorb the system. To my opinion, there was a well preparation on human resource on education particularly on IT. The e-people then has high rate of people accessibility and communication and of course suit the people needs.

Sufficient Budget Allocation

It was found that an investment for online portal system was up to 10 billion Korean Won. It's a big amount. If there was not a well plan on budget allocation, the idea may fail. Thanks also go to a commitment of the central government. This may not be easily occurred in the budget shortcoming organization.

Policy Implication to the Thai Context: Further Step

As stated above, there was a short period for a study tour and it was unable to collect all detail in depth of the existing use of ICT of ACRC. However, this system is very useful as a channel for communication between people and the public authorities. In Thailand, the Thai government has an idea as existed in Korean, but could not make it so far due to a lot of reasons, i.e. less commitment, difference of existing law and regulation, HR constraint, and etc.

For Thai Ombudsman, we created our own Case Tracking System (CTS) for complaint handling. People can complain through the internet. However, it is limited only for complain. It does not have diversified alternatives as e-people of ACRC. In addition, it confines only an affair of Thai Ombudsman, not just like e-people that can classify the issue and automatically transfer to the relevant agencies.

Actually there is a regular meeting among independent organizations under the Thai Constitution which include Ombudsman, Anti-Corruption Commission, Auditor-General, Election Commission, Human Rights Commission. (First step should be interconnectivity b/w these organizations. A work shop should be organized to further this proposal).

One of the issues that have been raised for discussion is how the independent organization on public oversight can set the system to avoid overlapping of complaint handling between each organization. So far, it does not have any particular system to check whether particular case already complained to any particular organization, except phone call or official letter to request for information. This creates burdensome on resource and time consuming. In addition, it may confuse the people if each organization who handles the same complaint has different discretion.

One way of doing it is to solve the problem is to set network among the mentioned independent organizations. E-people introduced by ACRC may be the answer of such a question.

However, there should be a consensus among those organizations in which we don't know their opinions as they have to have more detail for further consideration. Nevertheless, this is one of the future plans to be pursued resulting from a study tour. (How their opinions will be sought?)

As far as the Thai Ombudsman is concerned, knowledge obtained from a study tour can be beneficial to the office as least in two main issues worth to apply for.

Alternative Dispute Resolution (ADR).

E-people

However, the above issues need more detail. As mentioned earlier that time is too short for in depth studying. We view that ADR and e-people are suggestive to the Thai Ombudsman. Although it is useful, to comply with the Thai context may not be easy. It requires expertise in such areas to explain and provide advice about technique and related issues.

I, therefore, would like to propose that further close cooperation between ACRC and Thai Ombudsman should be enhanced. Before I returned to Thailand, Mr. Yun Heung Lee, Director General for Policy Planning Bureau, ACRC has proposed assistance to Thai Ombudsman on such issues. (Any progress?) He said that ACRC is willing to dispatch expert to come to Thailand to give advice and set the system. (Why secondment? we can fund expert from Korea for technical support if Thai Omb come up with a proposal).

Since there is a constraint on budget for the Thai Ombudsman, I therefore propose to ACRC counterpart that the Thai Ombudsman will submit a request for assistance from Korean International Cooperation Agency (KOICA) to support the cooperation project between ACRC and Thai Ombudsman. Both sides agreed to this idea.

Upon my return, apart from reporting to my bosses in which they agree in principle, I've also contacted with the Thailand International Development Cooperation Agency (TICA), as it is a key counterpart of KOICA, to seek its support. TICA recommends also Thai Ombudsman should pay a courtesy call to Korean Ambassador to Thailand to request for assistance since some budget assisted by Korea are responsible directly by the Ambassador. (???) We plan to do so soon after a proposal is completed.

At the moment, it is under the process of drafting proposal for technical cooperation. ACRC also gives advice to this extent.

Next step, Thai Ombudsman plans to sign Memorandum of Understanding (MOU) with ACRC for Institutional Linkage Programme (ILP) in order that both sides can exchange personnel for a short study tour and/or training in some relevant areas supportive to each organization. (Thai Ombudsman will also pursue for other Ombudsman institutions). However, this has to discuss further between the two organizations. But please be informed that this is a further step after returning from a study tour to Korea.