



Session 4

How ombuds institutions can respond to crisis and threats?

While preparing for this conference, participants were asked to identify obstacles and challenges their office is dealing with. Among the listed threats, a sizeable majority indicated that the following threats were of the most concern to ombuds institutions for the armed forces: the impact of budgetary cuts (68%), a lack of cooperation with the Ministry of Defense (62%), recommendations not being respected or effectively implemented (62%). A majority also indicated that the impact of a negative media coverage (58%), of staff cuts (55%), and political attacks against the credibility of their office (53%) were also of concern. On the contrary, most respondents were unconcerned by a potential lack of interest in their office's work (62%), by a lack of trust from the public (58%), by the fact that their mandate may be too narrow to effectively carry out their work (55%) and finally by a lack of cooperation with parliament (51%). However, it should also be acknowledged that while a majority were not concerned with these matters, a sizeable minority was concerned.

Treats – Inadequate resources

Budgetary cuts was identified as the most concerning threat faced by ombuds institutions. Closely related to this is the issue of staff cuts which may be caused by budgetary cuts. These two issues can be combined into the topic of inadequate resourcing. Inadequate resourcing may also include other resources such as lack of office space, of equipment and of software and technology.

Intrinsic to this topic is the allocation of one's annual budget. For example, if the budget of an institution fluctuates from year to year or steadily declines, this can have a rather serious effect on planning and ultimately on the successful implementation of one's mandate. Regular and predictable budgets, even if still inadequate, at least allow for realistic planning for the year and those that follow it. Interestingly, according to the same questionnaire, about one third of respondents indicated their budget has increased in the previous three years, and only about 15% indicated their budget decreased.

Good practices

Some good practices gathered in this area are securing multi-year funding to allow for longer-term planning. Some institutions have also secured a guarantee of a specific percentage of the total government budget, which ensures that while the total budget will fluctuate as the state budget increases and decreases, that the institution is immune from attempts to undermine the institution by cutting its budget significantly. A final interesting example is that of the United States Department of Defense Inspector General that has an anti-fraud and waste mandate, and which justifies its work in monetary terms of fraud and waste identified and recovered.

Lack of cooperation with the Ministry of Defense

Ombuds institutions are often met with no response or very slow responses when requesting information from the Ministry of Defence (MoD). This may in turn slow the investigation time for the ombuds institution and can undermine the complainant's satisfaction. Claims of inability to share sensitive or classified information related to the investigation are often used by the MoD to delay the process. Denials of access to various premises, or requiring long notice periods before conducting site visits, also undermines the ability of ombuds institutions to carry out their work. In addition, the MoD can also be reluctant to implement recommendations, which will be discussed below.

Good practices

For ombuds institutions for the armed forces to be able to carry out their mandate, they must develop a pragmatic working relationship with the MoD. Some practical examples of good practice that have been shared are establishing designated focal points with the Ministry for various issues, to ensure, at a minimum, that requests arrive at the appropriate individual. Another example, while it may seem obvious, is regularly exercising one's powers. If one's office has the mandate to conduct site visits, then doing so regularly will ensure that the MoD is aware of this right and will make no attempt to block subsequent visits. Likewise, site



visits are a very useful tool to develop networks within the MoD. When on site, it allows for an opportunity to develop personal contacts and relationships with key MoD officials that can be used if confronted with obstacles in the future. It may also be helpful to develop a working relationship with the MoD's internal complaints mechanisms, such as the Inspector General. Since the offices have similar and often overlapping mandates, it can be beneficial to coordinate on topics that are relevant to both offices, and potentially create a trusted partner within the MoD.

Recommendations not being implemented

As noted above, even if an institution has all the necessary resources at its disposal and access to all information and sites, it will ultimately not be successful if its recommendations are not implemented. Closely related to cooperation with the MoD is its willingness to implement recommendations. Since recommendations are merely that – non-binding suggestions on how to resolve a problem – ombuds institutions depend on the cooperation of the MoD to do what it recommends.

Good practices

Firstly, an ombuds institution must know whether its recommendations are being implemented or not. This requires systematic follow up with the party responsible for implementing the recommendations. Ombuds institutions should follow up regularly to enquire on progress made and be prepared to take action when recommendations are not respected. For those institutions reporting to parliament, they must be prepared to raise non-compliance with the appropriate parliamentary bodies - usually the defence committee, who can use their powers to encourage compliance with the MoD. Given that a majority of respondents to the questionnaire were not concerned with their cooperation with Parliament, it would suggest that for most of the participants there is a good working relationship there. With that in mind, ombuds institutions must be prepared to actively use that relationship to ensure recommendations are respected and implemented.

Negative media coverage

Negative media coverage can do serious harm to an institution's reputation, whether the coverage is accurate or not. A sizeable number of respondents indicated that media coverage was a concern for their office. Developing a strategy and taking quick action to respond to media coverage is important, especially in the age of social media, when stories can spread rapidly.

Good practices

Some good practices in countering negative media coverage are to develop media strategies. This includes having a presence on social media and monitoring stories involving your office. In 2017, DCAF published a guide for how ombuds institutions can use social media more effectively, which could be of use¹. Furthermore, another practical way to counter negative media coverage is by generating positive media coverage. By publishing reports and seeking out opportunities to engage with the media and promote successful examples of one's work, ombuds institutions can also generate positive press, and improve the institutional reputation with the public.

Question for discussion

- What are practical ways your office has managed to cope with insufficient resources to carry out its work?
- What are practical ways your office has improved cooperation with the Ministry of Defence?
- What are practical ways your office has taken to improve the successful implementation of its recommendations?
- What are practical ways your office has engaged with the media to improve its reputation?

¹ <https://www.dcaf.ch/sites/default/files/publications/documents/Social-Media-Guide-Ombuds-Institutions.pdf>