

International Conference  
of Ombuds Institutions  
For the Armed Forces

An aerial photograph of Sarajevo, Bosnia and Herzegovina, taken at sunset. The sun is low on the horizon, casting a warm, golden glow over the city. The city is built on a hillside, with a river flowing through it. The architecture is a mix of old and new buildings. In the background, there are mountains. The sky is a mix of orange, yellow, and blue. The overall mood is peaceful and scenic.

# Building Resilient and Sustainable Ombuds Institutions

**SARAJEVO, BOSNIA AND HERZEGOVINA**  
27 – 30 OCTOBER 2019



## PROGRAMME

### SUNDAY, 27 OCTOBER 2019

<b>ALL DAY</b>	Arrival of participants
<b>18:00</b>	Delegates meet at hotel lobby, Hotel Holiday
<b>18:30 – 21:00</b>	Aperitif and Welcome Dinner

### MONDAY, 28 OCTOBER 2019

<b>09:00 – 09:45</b>	<b>CONFERENCE OPENING</b> Borjana Krišto, Deputy Speaker of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, Bosnia and Herzegovina Ambassador Thomas Guerber, Director, DCAF Boško Šiljegović, Parliamentary Military Commissioner of Bosnia and Herzegovina
<b>09:45 – 10:15</b>	Group photo
<b>10:15 – 10:45</b>	Coffee break and media opportunities
<b>10:45 – 12:00</b>	<b>SESSION 1: What are resilient and sustainable ombuds institutions?</b>
<b>12:00 – 13:00</b>	Lunch
<b>13:00 – 15:00</b>	<b>SESSION 2: How ombuds institutions can prevent crises and threats</b>
<b>15:00 – 15:30</b>	Coffee break
<b>15:30 – 17:00</b>	<b>SESSION 3: How ombuds institutions can maintain stability and sustain momentum</b>
<b>17:00 – 18:30</b>	Free time
<b>18:30 – 22:00</b>	Cultural activity

### TUESDAY, 29 OCTOBER 2019

<b>09:30 – 12:00</b>	<b>SESSION 4: How ombuds institutions can respond to crises and threats</b>
<b>12:00 – 13:00</b>	Lunch
<b>13:00 – 15:00</b>	<b>SESSION 5: How ombuds institutions can contribute to sustainable development: Linkages with the SDGs</b>
<b>15:00 – 15:30</b>	Coffee break
<b>15:30 – 16:15</b>	Adoption of the conference statement
<b>16:15 – 16:30</b>	Announcement of the 12th ICOAF in Vienna, Austria, 7-9 June 2020
<b>16:30 – 16:45</b>	Closing remarks

### WEDNESDAY, 30 OCTOBER 2019

<b>09:00 – 17:00</b>	Side events (see separate programme for more information)
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# BUILDING RESILIENT AND SUSTAINABLE OMBUDS INSTITUTIONS

## INTRODUCTION

In recent years, ombuds institutions have increasingly become the target of the ire of both government officials, from the military as well as from members of the executive and parliament, as well as other prominent figures in society.

These attacks have manifested in several ways, such as questions of independence and impartiality of the institution, reduced budgetary allocations, diminished cooperation in investigations and implementing recommendations, removal from office, or not being appointed to a second term. These actions have often resulted in serious harm to ombuds institutions' ability to carry out their work.

This year's conference will examine ways in which ombuds institutions can increase their resilience in the face of such crises and maintain their momentum in protecting the rights of soldiers and contributing to a more effective military.

## OBJECTIVES AND METHODOLOGY

This conference hopes to draw upon lessons learned from previous ICOAFs and continue fostering a dynamic and participatory environment conducive to generating insight into these topics.

A questionnaire was circulated to all past and present ICOAF participants in advance of 11ICOAF. The results of this questionnaire have contributed to the drafting of the programme, think pieces and related research material.

The structure of the conference sessions will range from panels, interactive group work and breakout groups. Participants possess vast experiences in handling and responding to complaints, and they are expected and encouraged to share their experiences – both positive practices and gaps in capacity – to draw out good practices and areas of need that may prove to be informative to their peers.

The objective of 11ICOAF is for ombuds institutions to share their knowledge and learn from their peers in how they can continue to fulfil their mandate under increasing external threats and pressures. Good practices shared during the conference will be compiled and endorsed by participants in a non-binding Conference Statement.

The conference will be public and open to the press on Monday morning, including Session 1. After lunch on Monday, the conference will then operate under Chatham House Rules unless otherwise noted.

## SPONSORS AND SUPPORTERS

This conference has been made possible with the generous support of the German Federal Foreign Office, the Office of the Norwegian Parliamentary Ombudsman for the Armed Forces and the Ministry of Defence of the Netherlands.



**MONDAY, 28 OCTOBER 2019**

## Conference Opening

09:00 – 09:45

SPEAKER 1: **Borjana KRIŠTO, Deputy Speaker of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina**

SPEAKER 2: **Ambassador Thomas GUERBER, Director, DCAF**

SPEAKER 3: **Boško ŠILJEGOVIĆ, Parliamentary Military Commissioner of Bosnia and Herzegovina**

SESSION 1:

**What are resilient and sustainable ombuds institutions?  
10:45 – 12:00**

Panel

Moderator: **Hans BORN, Head of Policy and Research, DCAF**

SPEAKER 1: **Eugenio Roberto CADIZ, Commissioner of the Human Rights Commission, the Philippines**

SPEAKER 2: **Igli TOTOZANI, author of “Venice Principles on the Protection and Promotion of the Ombudsman Institution”, former Ombudsman of Albania**

SPEAKER 3: **Simphiwe Thembakazi DAMANE-MKOSANA, Acting Military Ombud, South African Military Ombud**

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These attacks have manifested in several ways, such as questions of independence and impartiality of the institution, reduced budgetary allocations, diminished cooperation in investigations and implementing recommendations, removal from office or not being appointed to a second term. These actions have often resulted in serious harm to ombuds institutions' ability to carry out their work.

This year's conference will examine ways in which ombuds institutions can increase their resilience in the face of such crises and maintain their momentum in protecting the rights of soldiers and contributing to a more effective military.

### QUESTIONS FOR DISCUSSION:

- Have you observed your office coming under increasing pressure or scrutiny from external actors?
- How does your office handle negative press or public comments directed at it?
- How is your annual budget agreed upon?

## SESSION 2:

### How ombuds institutions can prevent crises and threats 13:00 – 15:00

#### BREAKOUT GROUPS

One important way to be able to prevent something is to anticipate it and take corrective action to not allow it to happen in the first place. Therefore, to be able to prevent problems or threats, ombuds institutions need to know what these potential problems or threats are.

Similarly, ombuds institutions for the armed forces also have an obligation to prevent further incidences of abuse from occurring to complainants and others that may not have complained but may be affected by the same issue.

In this session, participants will gather in small breakout groups to conduct risk-assessments to identify the greatest risks to their institution and to the military personnel from whom they receive complaints. Participants will also discuss ways in which they already act to prevent these risks and crises from occurring and harming both their institution and the military to whom they oversee.

#### QUESTIONS FOR DISCUSSION:

- What are the greatest threats to your institution?
- What are the greatest risks and threats to those you receive complaints from?
- Does your office conduct risk analyses?
- Does your office analyse trends in complaints to determine common or systemic problems?

## SESSION 3:

### How ombuds institutions can maintain stability and sustain momentum? 15:30 – 17:00

#### Panel

Moderator: **William MCDERMOTT, DCAF**

SPEAKER 1: **Gregory LICK, National Defence and Canadian Armed Forces Ombudsman, Canada**

SPEAKER 2: **Gene ALOISE, Deputy Inspector General, Special Inspector General for Afghanistan Reconstruction (SIGAR)**

SPEAKER 3: **Hans-Peter BARTELS, Parliamentary Commissioner for the Armed Forces, Germany**

SPEAKER 4: **Nino LOMJARIA, Public Defender of Georgia**

Independence is crucial to ombuds institutions for the armed forces. Independence grants ombuds institution with the space to do their work without undue influence, and the impartiality of the office gives the complainant the belief that their complaint will be handled in a fair and efficient manner. When independence is not present, then an ombuds institution cannot do their work effectively and they will lose the trust of people to resolve their complaints.



Independence takes shape in three ways, each being critical for an ombuds institution to be effective and impartial.

- (1) The first is institutional independence. This form of independence relates to the relationship between the ombuds institution and other bodies, typically the ministry of defence and parliament. Within institutional independence are the topics of budgeting and the security and tenure of staff.
- (2) The second is operational independence, which relates to the freedom of the ombuds institution to carry out its work without interference by other actors. Included in this is the independence to choose which matters to pursue, access to information, determining the manner and method for carrying out its work and releasing reports and statements.
- (3) The final is personal independence, which relates largely to the perception of independence and impartiality by outsiders. Unlike the other two forms of independence, which are largely based on laws and procedures, this form of independence is more nebulous and depends on perceptions. As such, perceptions of personal independence can be strengthened through codes of conducts and policies for staff relating to their public conduct.

This session will focus on various methods in which ombuds institutions ensure that their independence is respected through the lens of these three forms of independence.

#### QUESTIONS FOR DISCUSSION:

##### (1) INSTITUTIONAL

- How is the independence of your office guaranteed in law?
- If your office is part of the Ministry of Defence, what measures are taken to remove your office from the chain of command?
- How is your annual budget determined?
- When the head of office is appointed, is he/she free to select new staff or does he/she retain all staff?

##### (2) OPERATIONAL

- Does your office have a long-term internal strategy?
- Does your office have complete freedom to investigate any matter, or can another body (military or other) deny or block an investigation?
- Does your office have access to all documents when carrying out investigations?
- Can your office release thematic or systemic reports?

##### (3) PERSONAL

- Are there limits on the head of office's profile (i.e. membership in a political party or previous experience in the military)? What about other staff in the office?
- Can the head of office be removed from his/her post before his/her term ends? If so, has this ever happened?

## TUESDAY, 29 OCTOBER 2019

### SESSION 4:

#### **How ombuds institutions can respond to crises and threats?** **09:30 – 12:00**

##### **BREAKOUT GROUPS ON TYPES OF RISKS**

Having performed a risk assessment in session 2, this session will focus on several specific risks or threats generally faced by ombuds institutions, such as verbal attacks or negative media coverage, budgetary cuts, legal constraints to effectively carrying out one's mandate, insufficient staff and/or equipment, lack of cooperation with the Ministry of Defence and/or Parliament, lack of implementation of recommendations, among other potential risks and threats.

It is hoped that participants will share some practical solutions they have developed to respond to specific problems.

##### **QUESTIONS FOR DISCUSSION:**

- What are practical ways to cope with or resolve attacks against your institution's independence and impartiality?
- How can your office operate effectively with a narrow legal mandate?
- How can your office encourage greater cooperation with the bodies that you must interact with most frequently?
- How can your office ensure recommendations are implemented?

### SESSION 5:

#### **How ombuds institutions can contribute to sustainable development: Linkages with the SDGs** **13:00 – 15:00**

##### **Panel**

Moderator : **Hans BORN, Head of Policy and Research Division, DCAF**


SPEAKER 1: **Hon. Florence KAJUJU, Chairperson, Commission on Administrative Justice, Kenya, and Secretary-General, African Ombudsman & Mediators Association (AOMA)**

SPEAKER 2: **Catalina CRESPO, National Ombudsperson of Costa Rica, Defensoría de los Habitantes, Costa Rica**

SPEAKER 3: **Jerald JOSEPH, Commissioner of Human Rights, Human Rights Commission of Malaysia (SUHAKAM), Malaysia**

SPEAKER 4: **Matthijs van der HOEVEN, Senior Advisor, National Ombudsman of the Netherlands**






The Sustainable Development Goals provide a blueprint for achieving a better and more sustainable world by 2030. Of relevance to ombuds institutions for the armed forces is SDG 16, which promotes peaceful and inclusive societies for sustainable development, provides access to justice for all and builds effective, accountable and inclusive institutions at all levels.

Under SDG 16, all countries are responsible for delivering on their obligations to provide safety and justice for their populations. Central to this provision of safety and justice are the principles of good governance, namely that every state will need to redouble its efforts to ensure that public and national security is provided in an effective, accountable and transparent manner. Furthermore, SDG 16 specifically calls to strengthen national institutions to prevent violence, combat terrorism and crime, and ombuds institutions play a critical role in preventing violence and crime, by receiving, investigating and rectifying grievances, while also strengthening the good governance of peace and justice institutions.

Given this natural link between ombuds institutions and the SDGs, it is important that ombuds institutions demonstrate their contribution to SDG 16 and many other goals. There is considerable experiences, data and information and other practices that would enhance the work currently being done at the national and international levels. It is hoped that ombuds institutions can both better align their work to the SDGs and that national implementation plans of the SDGs will make better use of ombuds institutions.

#### **QUESTIONS FOR DISCUSSION:**

- Why is it important for ombuds institutions to link their work with the 2030 Agenda on Sustainable Development and SDG16?
  - What does your office currently do to contribute to SDG16?
  - What are some challenges you face in aligning your work with SDG16 or contributing to SDG16?
  - What does your office hope to do in the future with regards to the 2030 Agenda and SDG16?
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## **CONFERENCE CLOSING**

15:30 – 16:45

### **ADOPTION OF THE CONFERENCE STATEMENT**

Before closing the conference, the conference statement will be discussed and adopted by the participants.

Chair: William McDermott, DCAF

### **ANNOUNCEMENT OF THE 12TH ICOAF – VIENNA JUNE 2020**

The Twelve International Conference of Ombuds Institutions for the Armed Forces (12ICOAF) will be announced. It will be hosted in June 2020 in Vienna.

### **CLOSING REMARKS**

## **WEDNESDAY, 30 OCTOBER 2019**

**SIDE EVENTS DAY** 09:00 – 17:00

For more information see the annexed side events programme.

All side events are optional to attend.



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# 11ICoAF

DCAF Geneva Centre  
for Security Sector  
Governance



Ministerie van Defensie

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