



# **INVESTING IN CAPACITY BUILDING: A NEED FOR OMBUDS INSTITUTIONS TO BUILD AND MAINTAIN RELATIONSHIPS TO REMAIN RELEVANT AND RESPONSIVE**

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## SCOPE

1. Introduction
2. Building Relationships
3. Responses to specific challenges
4. Moving forward



# INTRODUCTION

- The Military Ombud was conceived as a mechanism:
  - to ensure the swift and fair handling of grievances from members of the South African National Defence Force (SANDF)
  - to assist the SANDF in exacting accountability for administrative wrongs in respect of grievances relating to the conditions of service of members. There was also a common understanding that the office would play a central role in fostering good administration in the grievance mechanism afforded to members.



## INTRODUCTION (CONTIN)

- The aim of this presentation is to provide a brief account of the role that the office plays in enforcing good administration and government accountability, the mechanisms in place to maintain and improve relations with the Department of Defence (the Department), the challenges faced along the way and the responses to these challenges.



## INTRODUCTION (CONT)

- The legislative mandate has been interpreted to incorporate oversight over the mechanisms employed by the Department to deal with grievances from members and former members, which would relate to allegations of service failure.
- It also includes oversight over the conduct of members while executing their official duties.



## INTRODUCTION (CONT)

- The Act expands the oversight powers of the Military Ombud to include resolving complaints through Alternate Dispute Resolution (ADR) measures such as conciliation, mediation, negotiation and any other means expedient in the circumstances.



## BUILDING RELATIONSHIPS

- The term capacity building is relevant to this institution to the extent that it describes the activities adopted to strengthen it so that it will more effectively fulfil its vision.
- The approach taken to the concept of capacity development was not in the mere technical and functional context but rather in the broader context of creating an enabling environment for the institution to function optimally.



## BUILDING RELATIONSHIPS (CONT)

- In this broader context, therefore stakeholder management, as a discipline, becomes a critical development area for the institution.
- As an Ombuds institution co-operation is the hallmark of our work.





## BUILDING RELATIONSHIPS (CONT)

- Foster dynamic relations
- Within a paradigm of mutual respect for institutional responsibilities as prescribed by law
- MOU with Standard Operating Procedures



## Independence and Impartiality

- You are *“only as independent as you treat yourself and as you allow others to treat you”*.
- In our experience, the Department has full appreciation of the mandate of the Office and so far has demonstrated sufficient deference to our powers as set out in law.



## INDEPENDENCE AND IMPARTIALITY (CONTIN)

- The approach by the Minister provides a strong basis for the work of my office.
- While the Military Ombud strives to be independent from the Department, it nurtures a close relationship with it for current operational reasons. Perhaps part of the problem lies with our own institutional architecture. Because of the funding model, the budget for the Office is allocated through the Department vote in Parliament.



## RESPONSES TO SPECIFIC CHALLENGES

### Accessibility

Accessibility of the office is not only about physical availability of services but also includes people knowing about those services and using them efficiently whenever the need arises.



## ACCESSIBILITY (CONTIN)

- One of the major challenges faced is the lack of awareness of the office and the lack of understanding of the mandate of the Military Ombud.
- The focus was on enhancing the overall awareness and understanding of the role and mandate of the Military Ombud within the Defence community; making its services more readily available to members and former members of the Defence Force and gathering a better understanding of the issues and challenges they face.



## ACCESSIBILITY (CONTIN)

- The **outreach strategy** is aimed at strengthening relations with external stakeholders, including the public, non-governmental and community based organisations (NGOs and CBO's) and aims to provide a framework for outreach events and visits conducted by the Office of the Military Ombud with stakeholders and the primary target audience, the Defence community and the public.



## Access to information

- Challenges faced with the lower levels of the command channels
- The MOU clearly sets out the process for information requests and the specific SOP's with various Services and Divisions would make further provision to time-lines for compliance with requests and nodal points, etc.



## Access to information (CONTIN)

### *From Civilian to Soldier*







## Implementation of recommendations

- Corrective action is therefore a significant function of this office because without it, it would be a *“toothless tiger”*.
- When the state fails to co-operate nothing changes for the better and the cycle of systemic service failure continues unbroken.



## Implementation of Recommendations (CONTIN)

- Of concern, is the rejection of the findings at this stage of the command line and the dragging of the feet to implement.
- Fortunately, my office is able to constructively work with Department leadership and collaboratively overcome the challenges faced through dialogue and consultation

## Implementation of Recommendations (CONTIN)

### *Premature Decision Making*





## MOVING FORWARD

- Capacity building is essentially about change.
- Change that enables the institution to improve its competencies and capabilities to carry out functions, and more effectively manage the development processes over time in order to remain relevant and responsive to complaints handling.



## MOVING FORWARD (CONT)

- Fostering relations through effective synergy and relationship building
- A partnership or participatory approach



## MOVING FORWARD (CONT)

- It was never going to be an easy road to map in light of the uniqueness of the South African culture.
- We continue to resolve many issues with the Department amicably and in an efficient and pleasant manner.



**I THANK YOU**