

**International Conference  
of Ombuds Institutions  
For the Armed Forces**



## **10<sup>TH</sup> INTERNATIONAL CONFERENCE OF OMBUDS INSTITUTIONS FOR THE ARMED FORCES**

**Johannesburg, South Africa**

**28-30 October 2018**

### **Conference Statement**

As the International Conference of Ombuds Institutions for the Armed Forces (ICOAF) enters its tenth year, the conference has promoted the exchange of experiences and deepened cooperation among ombuds institutions.

Jointly hosted by the South African Military Ombud, and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the 10<sup>th</sup> ICOAF took place in Johannesburg on 28-30 October 2018. The 10<sup>th</sup> ICOAF focused on the evolving roles and responsibilities of the armed forces, and the implications for ombuds institutions.

As was the case in previous years, the conference reached out to representatives of ombuds institutions for the armed forces from nearly forty countries. Through this conference, ICOAF has been able to further strengthen its function as a platform for promoting democratic oversight of the armed forces and preventing maladministration and human rights abuses.

This conference statement serves as a compilation of good practices discussed at the conference and does not serve as an obligation to act on or implement these practices. Each ombuds institution possesses specific and unique mandates, and therefore all good practices may not be relevant to all conference participants.

The Conferees declare the following:

#### Introduction

1. Building on the successes of the previous nine International Conferences of Ombuds Institutions for the Armed Forces in Berlin (2009), Vienna (2010), Belgrade (2011), Ottawa (2012), Oslo (2013), Geneva (2014), Prague (2015), Amsterdam (2016) and London (2017), the Johannesburg Conference sought to strengthen cooperation and share good practices among independent oversight institutions.

2. We recognise that ICOAF has established itself as an important international forum for promoting and ensuring democratic oversight of the armed forces, with participants sharing common aspirations towards preventing maladministration and human rights abuses.
3. Recognising that each national context is unique, we underline the importance of ongoing international dialogue among ombuds institutions to promote and protect human rights and fundamental freedoms within and by the armed forces.

#### The Evolving Roles and Responsibilities of the Armed Forces and the Implications for Ombuds Institutions

4. The nature of armed conflict has shifted, resulting in an evolution of the roles and responsibilities of the armed forces. These new functions include engagement in domestic security, crisis response, border security, and peacekeeping operations. We recognize that these new tasks often raise challenges for the armed forces, including to the adequacy of their mandate and to their technical expertise.
5. We understand that to monitor abuses, investigate complaints, and ensure that human rights are protected and promoted, ombuds institutions should continuously work to strengthen their mandate, to be more effective and to better adapt to fit the evolving circumstances of the armed forces.
6. Depending on the specifics of their mandates, ombuds institutions can fulfil an important role in ensuring that these changing roles and responsibilities are reflected in adequate regulatory frameworks, appropriate training, and equipment.
7. The conferees discussed the importance of greater cooperation and coordination with other public bodies, both internal and external to their own countries, to better adapt to these challenging changes.

#### Domestic Security: Implications for Ombuds Institutions

8. The involvement of the armed forces in domestic security, such as in public order, domestic counterterrorism operations, support for major public events, intelligence gathering, drug enforcement or crime investigations, often results in increased interaction between soldiers and the civilian population, which requires careful attention, and reflection on the limits of existing mandates of ombuds institutions.
9. Recognising that each national context is unique, the conferees exchanged and identified good practices and procedures for how ombuds institutions can manage the engagement of the armed forces in domestic security more effectively.
  - a. Ombuds institutions should reconsider their mandates to allow civilians to file complaints and obtain adequate remedies, if not already permitted.

- b. Ombuds institutions should ensure that the armed forces are provided with adequate training to fulfil these new tasks in domestic security.
- c. Ombuds institutions should facilitate the dialogue between the armed forces and civilian law enforcement structures, helping to build up trust and effective cooperation.
- d. Ombuds institutions should act as mediators between the armed forces and the civilian population, to prevent public perception of a “militarisation” of regular domestic security forces.
- e. The work of ombuds institutions can be enhanced by maintaining effective relations and increasing exchange of information and coordination with civilian domestic security providers and government agencies.

#### Crisis Response: Implications for Ombuds Institutions

10. Humanitarian crises and emergency responses are complex environments in which affected civilians, humanitarian actors, and the armed forces are strongly interconnected. These situations pose various challenges to ombuds institutions.
11. The conferees agreed that a critical component of ombuds institutions’ role in crisis response is to ensure that the armed forces personnel involved are provided with additional adequate training, specific knowledge, and proper equipment to for them to effectively carry out their role in whatever environment they may face. Such training must necessarily come before the crisis occurs.
12. The conferees recognised that ombuds institutions can be effective response enablers in military crisis operations, and may include the following:
  - a. Ombuds institutions should act as a key mechanism for civilians to report violations.
  - b. When both the armed forces and humanitarian actors are involved in crisis response, ombuds institutions can promote cooperation and coordination between these two sectors, with positive outcomes for more rapid and effective emergency assistance.
  - c. Ombuds institutions can be key actors in providing adequate training to military personnel on matters pertaining to crisis response.

#### Border Security and Migration: Implications for Ombuds Institutions

13. While only some ombuds institutions are currently actively involved in border security and migration issues, the conferees agree that the engagement of the armed forces in this field is increasing. We recognise that border security and migration have a strong political dimension, which varies from one country to the other. However, we believe that ombuds institutions have a meaningful role to play in overseeing the engagement of the armed forces in this challenging context, and may include the following:
  - a. Ombuds institutions should act as a key mechanism for civilians to report violations.

- b. When both the armed forces and civilian border guard are involved in maintaining border security, ombuds institutions can promote cooperation and coordination between these two actors, ensuring a more coordinated and effective operation. Given the international nature of migration, regional and international cooperation is also important.

#### The Armed Forces as Peacekeepers and Peace-Enforcers: Implications for Ombuds Institutions

14. Peace operations can pose various challenges to ombuds institutions. These challenges include, but are not limited to, multiple jurisdictions, lack of sufficient mandate, lack of finances and resources to carry out inspections and investigations abroad, unfamiliarity with the situation as well as a dependency on the willingness and the cooperation of the armed forces deployed abroad to receive ombuds institutions.
15. Ombuds institutions have a duty of care to their armed forces personnel, whether the latter are stationed in the country or deployed abroad. We recognize that our duties extend to personnel serving in international peace operations and that each country contributing troops should have effective and comprehensive complaint mechanisms to protect the rights of their own armed forces personnel, those of the armed forces of foreign countries, as well as the local population.
16. Depending on the particularities of the mandate of ombuds institutions, good practices may include sharing information among ombuds institutions, organizing joint inspections and debriefs, providing pre-deployment training, including on human rights, as well setting up special inspection and complaints handling teams for dealing with international peace operations.
17. The conferees agreed that joint trainings, or at the very least the sharing of training material between the armed forces of different countries involved in the same peace operations, can help prevent situations of imbalance in technical expertise between international personnel.
18. ICOAF continues to be a useful platform to enhance dialogue between ombuds institutions and to strengthen their cooperation, and participants agree to continue to explore opportunities to enhance their cooperation in joint operational contexts.

#### Conclusions

19. Future conferences will continue to expand and deepen the cooperation between ombuds institutions.
20. To ensure the continued financial stability of ICOAF, participants express their support for the introduction of a voluntary conference fee.
21. ICOAF remains open to relevant institutions from countries that have not participated in the previous conferences.
22. The eleventh ICOAF will take place in Sarajevo, Bosnia and Herzegovina in 2019.

Johannesburg, 30 October 2018