



DCAF

a centre for security,
development and
the rule of law

AFRICA DAY SYMPOSIUM

Johannesburg, South Africa

31 October 2018

Symposium statement and recommendations

Hosted against the backdrop of the 10TH International Conferences of Ombuds Institutions for the Armed Forces (ICOAF), the Africa Day Symposium aimed to explore the dialogue and enhance the discourse of security sector reform and its implications on the military ombuds in Africa.

Jointly hosted by the South African Military Ombud and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the Africa Day Symposium took place in Johannesburg, Emperors Palace Hotel on 31 October 2018. The Symposium focused on advancing the narrative of oversight over the armed forces in Africa'.

Through the deliberations the symposium endeavoured to explore mechanisms of introducing the concept of military oversight of the armed forces in Africa. This is so since the South African Military Ombud is the only organisation of this calibre in the African continent.

In the light of many differing mandates, this symposium statement serves as a compilation of good practices discussed at the symposium and does not serve as an obligation to act on or implement these practices. The rationale, though, is to carve a framework on how to help and explore possibilities of creating more organisations that specialise in military complaints and oversight.

The Symposium declares the following:

1. Using the 10ICOAF as a benchmark practice, the Symposium sought to strengthen cooperation and share good practices among independent oversight institutions both in Africa and abroad.
2. The symposium 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.

RECOMMENDATIONS AND WAY FORWARD

PREAMBLE

4. Notes the need for oversight of military and that there are certain considerations in pursuance of the discussed issues:

- a. State formation underpinned by democracy, good governance and rule of law.
- b. Changing environment of armed conflict.
- c. African Charter on Human Rights.
- d. Joint UN-AU framework for enhanced cooperation for peace and security.
- e. The African Union 2063 Aspirations: the symposium reiterates the need to work within the following aspirations of visions of Agenda 2063:
 - i. Aspiration 3. An Africa of good governance, democracy, respect for human rights, justice and the rule of law.
 - ii. Aspiration 4. A peaceful and secure Africa.
 - iii. Aspiration 7. Africa as a strong, united and influential global player.

EFFECTIVE OVERSIGHT

5. Emphasize the creation of oversight over the intelligence services.
6. Recognises the importance of consultative oversight of regional forces vis-a-vis the AU, ECOWAS, SADC and ANP.
7. Welcomes the reform of the ombudsman mandates particularly institutional independence and direct accountability to Parliament.
8. Approves oversight of the military in the following areas:
 - a. legislative mandates
 - b. accountability
 - c. good governance, and
 - d. Human Rights.
9. Endorses the proposal to amend laws.
10. Endorses the recommendations that each country can determine whether a specialized military is necessary or whether the existing ombudsman should have jurisdiction or can have specialised institution within the existing ombudsman.

COMPLAINTS MECHANISMS

11. Further commits to effective complaints mechanism to address complaints from the public against the military.
12. Takes note with appreciation the ability to address complaints of armed forces from other countries i.e Deployed forces.
13. Commends the recommendation for the Ombudsman training of armed forces in human rights.
14. Commits to the ability of ombudsman to act as early warning mechanisms and also to address complaints during conflict situations.

TRAINING AND RESEARCH

15. Stresses the need for adequate training on other newly related ombudsman services such as Border control, anti-terrorism and search and rescue and new demands in appropriate force.
16. Recognizes the need to conduct analysis of the RSA Military Ombud as a future model.

COOPERATION

17. Expresses its determination for cooperation and collaboration of national ombudsman, human rights bodies and other bodies such as AOMA should focus on relevant concerns and need for military oversight.
18. Reaffirms that Ombudsman can deal directly with civil society and the public to work towards human rights and good governance.

CONCLUSIONS

19. Further decides that the symposium statement and recommendations will be distributed to all participants post conference.
20. Commends the leadership of the South African Military Ombud and DCAF in undertaking the necessary consultations to explore the modalities of advancing the narrative of military oversight in Africa.
21. Further commits to meaningful future participation, cooperation and collaboration.
22. Decides to remain seized of the matter.

Johannesburg, 31 October 2018