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Welcome remarks of Ambassador Thomas Guerber to 8ICOAF

Amsterdam, the Netherlands

3 October 2016

[Protocol]

Your excellency Minister Hennis-Plasschaert, National Ombudsman Mr. van Zutphen, and Inspector General Lieutenant General Hoitink, thank you for your kind words of appreciation and welcome.

Distinguished representatives of ombuds institutions, inspector-generals, parliamentary and independent commissioners, delegates, Ladies and Gentlemen, as well as the Chief of Defence of the Armed Forces of the Netherlands, General Middendorp, and the United Nations Ombudsman, Assistant Secretary General Barkat, I would like to join our Dutch hosts in wishing you a warm welcome to Amsterdam for the 8th International Conference of Ombuds Institutions for the Armed Forces.

[Personal introduction and DCAF]

While this is the eighth ICOAF, it is my first. To those of you who I have not yet had the pleasure of meeting, I am the new director of DCAF.

I began my term in July of this year, and I am looking forward to guiding DCAF and further strengthening its reputation as a leader in security, development and rule of law as well as to chart DCAF into new territories and undertake new challenges.



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[ICOAF]

Likewise, I have become very familiar with ICOAF over my first months in office, and I have come to appreciate the work done by ombuds institutions for the armed forces, and the importance of ICOAF in facilitating your work, building capacity and sharing good practices, and advancing new ideas and concepts.

I am, therefore, also eager to ensure that ICOAF continues to remain important and relevant to your work, and I am confident that over the coming days – and years – we will be able to accomplish this.

[Topic: International Missions]

The topic of this conference, examining the role of ombuds institutions in international missions, is evidence of the relevance and importance of ICOAF.

International missions, whether they are under the auspices of the United Nations, NATO, African Union, European Union, ECOWAS, or any other structure, have become increasingly common for armed forces personnel when they are deployed abroad.

Currently, there are 118,792 personnel serving in 16 UN peacekeeping missions, and tens of thousands active in other missions. In the majority of these missions, personnel are mandated to maintain peace and order, and protect civilians from violence and abuse.

[Ombuds Institutions and International Missions]

While there are tens and even hundreds of thousands of armed forces personnel participating in international missions at any given time, it seems that ombuds institutions can do more to effectively exercise oversight of the



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armed forces and ensure the protection of human rights and the respect for the rule of law.

[Results of questionnaire]

According to our DCAF questionnaire that you have filled out for the purpose of this conference, 28 of the 29 countries represented here in Amsterdam currently have or until very recently had armed forces personnel participating in international missions. This is a strong indication of your countries' commitments to the UN Charter to maintaining international peace and security.

However, of these 29 countries, ombuds institutions of only seven countries have conducted visits to armed forces personnel participating in international missions.

Furthermore, 9 out of 29 ombuds institutions have indicated they have received complaints from personnel serving in international missions, and hardly any indicated they receive complaints from civilians affected by one's armed forces personnel.

[Reasons for lack of involvement in international missions]

This would indicate two things: either

1. troops participating in international missions are not facing any problems and have little to complain about, or, more likely,
2. there are obstacles to making complaints, they are discouraged from doing so or they are unfamiliar with their rights.



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[Soldiers do face problems in int'l missions]

Unfortunately, recent high profile cases suggest that troops deployed in international missions do indeed face significant problems.

Armed forces personnel have seen their rights violated, and in a number of cases, they have violated the rights of the civilians they were mandated to protect.

[Peacekeeper abuse in CAR]

One particularly egregious case in the Central African Republic prompted the United Nations to commission an independent investigation into the allegations of abuse by foreign forces operating in CAR and to offer recommendations on steps to be taken on how the UN better handle instances of abuse.

On this note, we are pleased that Justice Ms. Marie Deschamps, the lead author of this independent review, will provide a keynote address on her experiences, and will share some lessons learned. I look forward to her insightful remarks on Wednesday.

[Positive examples in international missions]

However, there are good practices emerging to more effectively respond to and prevent abuse. In addition to recent efforts to curb abuse in UN peacekeeping operations, there is growing cooperation between ombuds institutions.

ICOAF has built strong ties between like-minded ombuds institutions, which has encouragingly resulted in increased cooperation. Lt. Gen. Hointink, the



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Inspector General, and Mr. van Zutphen, the National Ombudsman, of the Netherlands recently concluded a joint mission with Mr. Bartels, the German Parliamentary Commissioner, to visit their personnel stationed in Mali. We will learn of their experiences on Session 5 on Tuesday afternoon.

[Need to look for solutions]

ICOAF would be of little utility if we were not seeking to find solutions to some of these pressing issues, and I hope that during our discussions over these next three days, even if we are not able to resolve these problems - and I do not expect that we will - that we are at least able to identify problems and obstacles that prevent you, representatives of ombuds institutions, from effectively protecting human rights in international missions.

Once these problems are identified, then I believe we can begin looking at ways to solve them.

[Three levels of entry for reform]

If I may suggest, I foresee three levels in which we can begin to address some of these challenges to protecting the human rights of both armed forces personnel and of civilians in international missions.

[TCCs]

First, and what I think is most relevant here at ICOAF, is how ombuds institutions of troop contributing countries can protect and promote human rights and fundamental freedoms of armed forces personnel. For most, this is accomplished by receiving and investigating complaints, depending on the



mandate of the ombuds institutions concerned, it may also extend to the local populations.

[Receiving countries]

The second level is how ombuds institutions of the countries receiving personnel as part of an international mission can provide protection against human rights abuses of the local population.

Here at the conference, we have several countries that currently host or hosted sizeable contingents of foreign armed forces or in the recent past. We can explore ways to enhance their capacity to protect their civilians and ensure greater accountability.

[International organizations]

The third level is how international organizations under whose auspices these international missions occur can enhance the respect for and promotion of human rights.

As I mentioned earlier, there are already efforts underway by the UN to enhance accountability, but there are a number international humanitarian organizations, several of whom are present here, that also play an important role.

[Closing]

Only if the rights of all persons are protected can we truly and meaningfully maintain international peace and security. I hope that you will all keep these



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levels of engagement in mind as we explore this topic in more detail over these next three days, and begin to contemplate avenues which can lead to increased cooperation between your office and the wider international community.

[Closing – DCAF support]

I would like to end by reiterating that DCAF will offer its full support to future ICOAF events, as well as any events or assistance that may be needed in the interim.

DCAF stands ready to provide our expertise and support to all members of the ICOAF network.

I wish you all a successful conference.