

SPEECH BY MR. WIM KOK, ICMP COMMISSIONER

CONFERENCE
THE MISSING: AN AGENDA FOR THE FUTURE

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The Hague, The Netherlands

Your Excellencies, Ladies and Gentlemen,

I would like to thank Ms. De Jong for her kind remarks and the City of The Hague for hosting our conference dinner tonight in the Town Hall.

It is my great honor and pleasure to welcome you all.

At the end of an important day, I would like to take this opportunity to thank today's speakers for their excellent contributions.

While I have not been an ICMP Commissioner for as long as Her Majesty Queen Noor— in fact I think she beats me by just one year - I have been a Commissioner for over a decade. And, I too take enormous pride in the work of ICMP and its development. Along with my fellow Commissioners, I want to ensure that ICMP remains a global resource to address missing persons cases regardless of the circumstances under which the go missing. I believe very strongly that this will be achieved. After listening to today's speeches I am more convinced than ever of the global need for such a mechanism.

I have also carefully read the report on the roundtable discussions which took place in The Hague, the University of Sussex and in Sarajevo. From what I can gather these discussions were quite lively and included

experts and non-experts from various different fields. Some of the participants of these discussions have come to the conference, but others could not be here. Nevertheless, their contributions in many ways have helped shaped this event.

In this regard, I would like to use this opportunity to share the key points that emerged from these discussions:

- First, there was broad consensus that the way in which we address missing persons issues today is vastly different from the way it was done over twenty years ago. In particular, there has been a revolution in the use of technology to address the problem.
- Second, states and courts have promulgated better legal frameworks under domestic and international public law. Consequently, a whole range of corresponding and better defined human rights have emerged, including the right to know the truth, the right to justice and effective investigations. It is clear that some of these changes emanate from the judicial and operational experience of working in the countries of the former Yugoslavia. However, not all states have the capacity to undertake effective investigations, and few have received the international support that was available to the countries of the former Yugoslavia.
- Third, our round table participants noted that coordination in disaster response has significantly improved in recent years; however, this still remains a problematic issue whether in the field of disaster response or post conflict responses. Regarding disasters, there are serious efforts underway to create a permanent technical capacity in this field that would ensure permanent resources and access. What is clear is that there needs to be an international mechanism in place to address this issue, in all its facets, as Ambassador Miller will highlight in his remarks tomorrow.

- The final roundtable meeting was held in Sarajevo and included participants from countries of the former Yugoslavia. They stressed that international institutions played an important role in encouraging and enabling domestic authorities to act in their own right on the missing persons issue. This important lesson should be taken on board in developing an agenda for the future.

Also in this meeting, from the perspective of families, the introduction of standards was regarded as a significant improvement and one to which they themselves felt they could usefully contribute to.

In addition, families of the missing were interested in legal standards of evidence, ending impunity and ensuring access to the truth. From the perspective of families, these three elements belong together. So, looking forward, we should examine how our respective standards support the interests of the families of the missing.

I draw three conclusions from these contributions from the roundtable meetings:

- First, we should seek to make the international support that was available to the countries of the former Yugoslavia are more broadly available to others. Such support should be geared towards assisting countries in building law-based mechanisms that allow states to assume ownership for the process of accounting for the missing.
- Second, we need to improve coordination between international and domestic actors involved in assisting countries in any missing persons scenario, whether after a conflict, or a disaster, or in cases of organized crime and other causes. One thought could be to create a global forum on missing persons, similar to the forum which currently exists on migration, for example.

- Finally, we need to ensure that the families of the missing are fully engaged in every aspect of the process and that they have access not only to information regarding the identity of a loved one, but to justice, truth and reparations.

I very much look forward to tomorrow's discussion. I have no doubt that the conference discussion will lead to new and invigorating ideas that will help us all in addressing this global problem.

I wish you all an enjoyable evening.