

AFRICAN OMBUDSMAN AND MEDIATOR ASSOCIATION

REPORT OF THE SUB-REGION OF WEST AFRICA

COORDINATOR: Ombudsman of the Republic of Côte d'Ivoire

I. REPORT OF THE SUB-REGIONAL MEETING

Côte d'Ivoire has been designated at the third General Assembly of the AOMA, as Coordinator of the Sub-region of West Africa. Thus, as part of its coordination activities, it organized the first consultative meeting of Ombudsmen of the sub-region of West Africa, members of the African Ombudsman and Mediators Association (AOMA) held in August 9, 2012 at the Golf Hotel in Abidjan (Côte d'Ivoire) under the central theme: **"The capacity building of Ombudsman and Mediators and the consolidation of good governance"**

Took part in this consultation meeting, ombudsmen and representatives Ombudsman of Angola (chair of AOMA), and members hereinafter referred to our sub-region: Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Mali, Niger and Senegal.

Because of the constraints the following agenda was adopted:

1. presentation of the activity report of the President of the AOMA
2. presentation of the main theme
3. Issue of training.

1 - Presentation of the activity report of the President of AOMA:

The President of AOMA Mr. Paulo Tjipilica presented his progress report in which he recalled the many missions undertaken in order to encourage the creation of ombudsman institutions and Ombudsmen in countries where they do not yet exist.

He took advantage of these missions to invite his peers to update their subscription.

Finally, during the discussions, some participants regretted the lack of communication between the governing bodies of the AOMA and the Member States.

2 - Presentation of the central theme of the Fourth General Assembly of AOMA:

The central theme entitled "Strengthening the capacity of Ombudsman and Mediators and the consolidation of good governance" was presented by Mrs. Deborah Alima Traore, Mediator FASO.

Its communication was based on three (03) points:

- a. Enhancing the status of the Ombudsman and Mediators;
- b. Building areas of intervention and powers of the Ombudsman and Mediators;
- c. Strengthening financial, material and human resources.

Following this presentation, an extensive exchange took place between ombudsmen and we can retain the following:

- The founding texts of the Institution of the Ombudsman and mediators vary by country;
- For areas of **intervention of Ombudsman and Mediators**, the situation also varies by state;
- Concerning the **powers of the Ombudsman and Mediators**, in most states, the powers of injunction and recommendations are non-existent;
- Mediators should have large budgets and benefit from a regime of autonomy in management.

3 – The question of training (places and targets):

This item was presented by Mr. Pierre Bertrand N 'DAGIRWA.

➤ About the Place

He informed the audience that:

- The research center and training facility at the University of KwaZulu-Natal in Durban, South Africa was launched in March 2011;
- Angola has the chairmanship of the Board since that date;

In order to achieve the five objectives of the center, the Board has planned to recruit:

- A General Director;
- A Deputy Director;
- An Agent Officer;
- Two trainers.

All from AOMA members States

➤ **About the Target**

Responding to those who pointed out that only nationals of ten (10) English-speaking countries are far trained, Mr Pierre Bertrand N'DAGIRWA said that this situation results from the fact that the English language was imposed by structures funding as a pilot language.

Finally, he indicated that the center trainers will be transported in Francophone countries to provide lessons to the staffs of the Ombudsman Institutions.

4 - Recommendations:

- To the States, the conciliation meeting recommends:
 1. Give "**constitutional dignity**" to Ombudsman and Mediators and strengthen AOMA;
 2. Recognize the AOMA, following its accreditation by the African Union;
- To the Ombudsman and Mediators, the conciliation meeting recommends:
 1. To update their annual subscriptions;
 2. Provide comments on the articles at the office of the sub-regional coordination for synthesis within two weeks from the date of dispatch of their release;
 3. Forward all reports of activities and the founding texts of their institutions to the coordinator, i.e. the Ombudsman of the Republic of Côte d'Ivoire.

II. OTHER ACTIVITIES OF SUBREGIONAL COORDINATOR

1. Follow up of recommendations of the meeting of the West African region

As coordinator of the Africa West, a number of procedures have been assigned to the Ombudsman of the Republic of Côte d'Ivoire. It has been requested to member countries to provide the coordinator with their comments on the draft constitution in preparation. These countries should also send to the coordinator, their founding documents and activity reports. The table below provides information on the monitoring of these recommendations.

Pays	Letters to revive the Mediator of the CI	founding texts	Comments on the constitution	Reports of activities
Côte d'Ivoire		X	X	X
Burkina Faso	X			
Mali	X			
Benin	X	X	X	
Niger	X			
Togo	X			
Guinée	X	X	X	
Ghana	X			
Sénégal	X			
Gambie	X		x	
Nigéria	X			
Sierra Léone	X			
Libéria	X			

The sub-regional coordinator only received comments from Benin, Gambia and Guinea on the draft constitution. He also received copies of the law n ° 2009-22 of 11 August 2009 establishing the Ombudsman of the Republic of Benin and the 004/CNT/2010 law establishing procedures for referral, intervention and operation of the Mediator of the Republic of Guinea.

Finally, comments on the articles of AOMA, activity report and the law n ° 2007-540 of 31 August 2007 establishing the Ombudsman of the Republic of Côte d'Ivoire are available.

2. Executive Committee of AOMA

The meeting of the Executive Committee of AOMA took place in Luanda, Angola, from 18 to 21 March 2013, in the meeting room of the courthouse.

Have taken part in this meeting Ombudsmen and Mediators or their representatives, of South Africa, Angola, Burkina Faso, Côte d'Ivoire, Gabon, Uganda, Mozambique, Namibia, Tanzania, Zambia, and the representatives of African Union and the AOMA observer for the African Union.

The Côte d'Ivoire delegation included Mr. Daouda TANON and Mr. KLA Konan respectively Director of the Office of Ombudsman of the Republic of Côte d'Ivoire, Head of Delegation and Head of the Office of Ombudsman Delegate Lagoons 1.

Four (4) major phases have marked the meeting of the Executive Committee.

- The opening ceremony;
- The progress of the work;
- Other activities:
 - The visit to the President of the National Assembly;
 - The visit to the President of the Republic;
 - Visit the headquarters of provador justiça;
 - Visit the city of Cabinda;
- Closing Ceremony.

The following procedures were noted:

- Ask rulers member countries to officially recognize and to ratify by the National Assemblies, the acts of the Association following the accreditation of AOMA to the AU;
- Ask the President to continue its policy of promoting the Association with African states and international institutions;
- Encourage the establishment of Ombudsmen and Mediators offices in countries where they do not exist;
- Work to obtain the participation of North African countries to the next General Assembly;

- Contribute to the resolution of the crisis and reconstruction of Mali.
- Find a legal framework for capacity building of African Ombudsmen and Mediators;
- Ask members to submit their founding texts before the end of May 2013;
- Ask each member to check the status of their contributions before the next General Assembly;
- Observations from the members on the financial status of the Association;
- Make it compulsory for six (6) sub-regions to hold their preparatory meeting before the next General Assembly;
- Provide AOMA support to the Ombudsman Malawi who was arrested and his support for the State of Mali;
- Awareness of the adoption of the Memorandum between IOI and AOMA;
- Organize brainstorming sessions on the Statute at the national and sub-regional level;
- Submit all proposals in Durban at the earliest;
- Ask Ethiopia to coordinate the team that will be formed to draft the statutes;
- Designer the country that should host the next Executive Committee;
- Allow additional time for staff training to AG;
- Create an ad'hoc Lawyers Committee which will meet to prepare the texts to be submitted to the General Assembly;
- Get in touch with the new Kenyan government authorities to analyse the possibility of organizing the AG in their country;
- Set the date and place for the final organization of the AG;
- Offer new LOGO of AOMA before the next General Assembly;
- Suggest that the commission ad 'hoc that reflects on the constitution, to consist of one member of the AU and legal experts;
- Entrust the coordination committee to the President, assisted by a team of four members speak French, English, Arabic and Portuguese;
- Establish a joint committee to study the organization of the AG in Kenya;
- Find the meaning of the current logo;
- Establish a committee to oversee and audit the accounts and finances, Audit Commission.

- Clarify in the text, the position of the representatives or collaborator in the Executive Committee meetings;
- Reflect on the creation of five (5) regions instead of six (6), in the image of what is happening to the AU, seeking to align the Indian Ocean on the east;
- Integrate regional economic communities like the members of the UEMOA zone and have a protocol with SADC, CDEAO, ECOWAS;
- Register the financial autonomy of institutions of mediation in the Statutes;
- Ask Gabon to continue raising awareness in their area to find consensus, a sub-regional coordinator;
- Rely on the recognition of the AU, for the protection and immunity for Mediators and Ombudsmen.
- Organize GA in the last quarter of 2013;
- Visit Kenya in a first phase called **PLAN A**, retain adequate dates and conditions for the organization of the GA
- Invite the AU Commissioner and consider its calendar to set the date of the GA;
- Devise a **Plan B**, providing for the organization of the GA at the AU headquarters in Ethiopia.
- Reformulate the terms of the partnership agreement between the IOI training and AOMA;
- Provide five (5) days of training per group of collaborators (French and English);
- Obtain financial support available with the support from AORC;
- Provide twenty (20) seats per group, a total of forty (40) recipients.
- Improve the French version of the document to allow all members to clearly identify the Memorandum;
- Establish the final document in five (5) originals:
 - English;
 - Arabic;
 - Spanish;
 - French;
 - Portuguese.
- provide for the signature of the Memorandum by the President of the Association in April 2013, on the side-line of the meeting of the IOI

This memorandum was adopted subject to make amendments and desired translation.

The Committee unanimously agreed that the next meeting of the Executive Committee will be held in June 2013, in Burkina Faso

3. New memberships

Numerous efforts by the President of AOMA to help the establishment of bodies Mediation in Africa are not vain.

Indeed, the Ombudsman of the Republic of Guinea who attended the sub-regional meeting of August 9, 2012 in Abidjan, as an observer, sent to the coordinator a membership application dated August 17, 2012, which was transmitted to the Executive Secretariat of AOMA with a copy to the President since 16 November 2012. At the Executive Committee meeting in March 2013 in Luanda, it was found that the Executive Secretary has recorded that the Guinea Bissau which has not applied for membership, instead of Guinea Conakry. The ground for her was that there is only one Guinea in Africa, Guinea Bissau. After the presentation of evidence of the membership application made by Mr. Daouda TANON, a correction was made and forthwith, as of March 19, 2013. The official letter of accession of Guinea in the AOMA was given to the Head of Delegation for the Ivorian transmission.

Regarding Nigeria this country has revived the activities of the Public Complaints Commission after thirteen (13) years of shelved. And since May 14, 2012, the Chief Steward and thirty-seven (37) Commissioners were sworn before the National Assembly. The Nigerian authorities are aware of the important role that the institution can play in strengthening social cohesion, which is why the Chief Commissioner has already sent the relevant information to the Secretariat of AOMA.

Additional measures must be taken to encourage the creation of ombudsman institutions in the Portuguese-speaking countries in the sub-region such as Cape Verde and Guinea Bissau.

4. Sub-regional Solidarity in mediation

Faced with the uncertainties that Africa has known in general and our sub-region of West Africa in particular, the Ombudsman or the Mediator shall increasingly become involved in conflict resolution whose implications go across national borders.

Thus, a delegation led by Mr. Albert TEVOEDJERE, Ombudsman of the Republic of Benin and including Mrs. Deborah Alima Traore, Mr. Coulibaly N'Golo and Professor Serigne Diop, respectively Mediators of Burkina Faso, the Republic of Côte d'Ivoire and the Republic of Senegal, visited Bamako from 22 to 24 February 2012 to inquire about the situation in Mali.

Then within the framework of the meeting of the AMP-UEMOA held recently in Niger, a review of this situation has been made and a delegation travelled to Bamako in February 28, 2013, to provide support of the Association to Mr. Diango CISSOKO, former Ombudsman of the Republic of Mali, appointed Prime Minister after 11 December 2012.

It is worth noting that his experience in mediation will be a tremendous asset to the reconciliation of Mali.

The Executive Committee of the AOMA decided to show solidarity to the Malian people by sending a delegation to Mali. The delegation will be composed of:

- The President of the Association;
- The 1st Vice President;
- 2nd Vice President, and
- The Executive Secretary.

III. CONCLUSION

The job site is huge in our country and efforts should be made to strengthen the institutions of Mediation in the countries where they exist and create them where they are not yet. They can help tremendously to support the efforts of our leaders to improve social cohesion, guarantee a harmonious and sustainable development of our countries.

Finally, we want a real commitment of the members of the West African area that has been entrusted to us, to contribute to the effective implementation of this tool of cooperation which is the AOMA with a rapid adoption of its constitution.

IV. Annexes

- Copy of the letter revival of Ombudsman, Coordinator of the sub-region of West Africa.
- Observations of Benin on the draft statutes of the AOMA.
- Observations of Guinea on the draft statutes of the AOMA.
- Observations of the Gambia on the draft statutes of the AOMA.
- Founding texts of the Ombudsman of the Republic of Benin.
- Founding texts of the Ombudsman of the Republic of Guinea.
- Founding texts of the Ombudsman of the Republic of Côte d'Ivoire.
- Letter of Accession of Guinea to the AOMA.