



مركز بحوث الرقابيين الأفارقة

African Ombudsman Research Centre

Centre de Recherche des Ombudsman Africains

Centro de Investigaçao da Provedoria de Justiça Africana

MINUTES OF THE 14th BOARD MEETING
6 July 2016
Maritime Conference Room/AORC
Howard College, University of KwaZulu-Natal
Durban, South Africa

TIME: 9am to 5pm

PRESENT:

CHAIRPERSON: Adv. Thulisile Madonsela, (Public Protector – South Africa)

MEMBERS:

Judge Edmond Cowan (Ombudsman Sierra Leone)
Dr Paulo Tjipilica (Provedor de Justica – Angola)
Mme Alima Traoré (Médiateur du Faso – Burkina Faso)
Prof John Mubangizi (DVC – UKZN)
Prof Managay Reddi (Dean-School of Law-UKZN)

OBSERVERS:

Adv Kevin Malunga (Deputy Public Protector – South Africa)
Mr Bongikhosi Dhlamini (Chief of Staff-Public Protector-South Africa)
Belinda Moses - PPSA
Dr Annie Devenish (acting Director - AORC)
Mr Franky Lwelela (Communications and Advocacy Liaison - AORC)

Ms Sylvie Ouédraogo (Support - Médiateur du Faso – Burkina Faso)
Mr Leul Seyoum (Support – Chief Ombudsman, Ethiopia)
Mr Manuel da Costa (Support - Provedor de Justica – Angola)

APOLOGIES: Mme Fozia Amin (Chief Ombudsman – Ethiopia)

1. Opening and welcome by the AORC Chair

AORC Chair Thuli Madonsela began the meeting by welcoming all colleagues to the 14th African Ombudsman Research Centre (AORC) Board meeting and thanking them for finding time to attend. She also extended thanks to the AORC Secretariat for making the necessary arrangements for the meeting to take place, and apologised for her inability to attend the welcome dinner the night before. Next she extended a warm welcome to the AOMA Secretary General Dr Amollo, the PPSA's new Chief of Staff, Bonginkosi Dhlamini, and the Deputy Public Protector Kevin Malunga. To guests who had travelled from outside the country, including Judge Cowan, Mme Traoré and Dr Tjipilica, she expressed a hope that they would enjoy the hospitality offered by the University, and KwaZulu-Natal. Thanks were again extended to AORC's acting Director and the team for the preparations.

The Chairperson then noted that it had been four months since the last meeting and some of the things that had happened since then were the following:

- One of the positive things since then had been that the Constitutional Court had confirmed their powers as the Public Protector as an office that can force the government to do what is asked of them.
- A negative thing that had happened was that some of the colleagues at the Ombudsman Offices had since left office, and others had joined. There had been a change of guard in Lesotho and Gabon, for example and the AOMA Secretary would provide a full update on this later on.
- Another sad thing was that Tanzania had confirmed that it would no longer be able to host the 50th anniversary of African Ombudsman. The AOMA Secretary General would provide more detail on the offer of support that AORC had given in this regard.

About the Centre, the Chairperson highlighted that it was unfortunate that the new Director was not yet in place as expected from the previous Board meeting of the 24th of February, she was going to start at the beginning of May. The Public Protector had since been advised that due to challenges with the work permit, she was unable to be with the Centre at the time of the Board meeting. The PPSA had been advised quite late about the problem, and about the need for intervention. The Chair noted that she had since asked the Deputy Public Protector and his team to get involved and some progress had been made. Because of the uncertainty caused by the delayed arrival of the Director, and also considering the fact that Centre is suffering operationally, the Chairperson then proposed to the Board that they explore a special dispensation to expedite the new Directors permit, and that if possible she should be allowed to run the Centre via Skype immediately, and that she should then be allocated a budget to travel to SA on a monthly basis.

She went on to note that the team had made progress over the last four months, but that the capacity challenges were showing. While referring to the five strategic areas goals of the AORC, she made the following observation:

- In relation with the AORC to become a capable and sustainable organisation:
 - Referring to page two of the minutes from the 13th Board meeting she noted that AORC's Strategic Plan was supposed to be reviewed, and the timelines adjusted so that AORC complied with the requirements of the treasury - that all government entities or allied entities have a Strategic Plans in place by the 31st of March without fail.

- The AORC had an agreement with UKZN which was dependent on a signed strategic timeline and a signed Strategic Plan. Such a document would delete the need to approve on a case-by-case basis, making monthly and quarterly reports, rather than weekly reports possible. This had however not been done.
 - On the comparative analysis research study, the Board had agreed at the previous meeting to proceed she said, however they had only procured a team, and were still waiting to start the research four months down the line. Because of this delay the research would only be finalised by December or January next year. That meant a four month setback because of their capacity constraint.
 - The Board had also agreed to identify a list of quick wins and have this signed off. The team had implemented certain things on their own but at the level of the Board, there had been no document circulated to say what the quick wins were and what the Board would do to supervise and monitor these.
 - The Board had agreed on an advisory panel to support their research and training agenda, but was yet to finalise this, and this too had not been done. Under becoming a capable and sustainable organisation, the Board had agreed to comply with their registration requirements in terms of being a section 21 Company. At the moment AORC was a registered section 21 organisation, and non-compliance was a criminal offence. Once again due to capacity problems, AORC still hadn't complied. They had not submitted a report or their audited financials to the appropriate authorities. The document prepared in the Board pack here that the secretary has kindly provided with the assistance of the University. It talks about the tax exemption of the organisation, but what we had specifically needed is a document that talks about the advantages of being a section 21 and what we are going to lose if we leave.
 - The Board had already decided that they were de-registering as a Section 21 Company and going international (by having AOMA and AORC registered with the UN). Two individuals, one from the PPSA and one in Angola, had been assigned to produce a report on this matter but progress had not been made on this front either.
- In relation to improving the capacity of AOMA and Ombudsman offices:
 - The Centre had conducted the postponed Arab training, but they still didn't have a fixed training calendar - one of the things DIRCO had insisted on for their funding requirements. DIRCO had been pushing for a training annual calendar covering training programmes April to March on their website but they had still not been able to do that. This was a capacity issue as the training would not necessarily be conducted by AORC but could draw on a panel of trainers from all over the world.
 - On conducting research to support the agenda of AOMA, the Chair noted that the Comparative analysis of legal systems study has not yet been finalised, but that there was progress toward it. Referring to the minutes of the previous meeting she stressed that they had agreed that it would be best to link the output from this Study to the next conference. Now the research was not going to be ready in time for the conference.
 - In relation to enhancing the positioning of AOMA and the institution of the Ombudsman:
 - Regarding the UN registration the Board had asked Mr Kula and Mr Da Costa in Angola to pursue this, and had suggested that they use the services of Kenya, Angola, Namibia and South Africa to do so. That has not happened. Mr Kula has left, and the process had not been

initiated. If there had been capacity in the Centre, they could have ensured that these measures were properly coordinated.

- Regarding the AOMA newsletters, it was agreed to do two newsletters but had only one was done. This was another area that needed improvement. She had noted that the Centre needed two newsletters - a monthly one that is done more or less like this one was done just reporting what happens during our meetings and events and another one which could be issued at the end of every meeting, including pictures as the IOI does. This could be a professional glossy publication placed in their diplomatic offices, as the money was available for this. This quarterly one would be professionally done and not in-house one, but the monthly one would still continue.
- In relation to coordinating the authorisation of the MOU between the African Commission and AOMA. Nothing had been said about this at the last meeting. The Chair stressed that if they had had the Strategic Plan, and it had output for the first quarter, then they could have had results and therefore they would have something from which to base discussions. Also the APP for the year was not approved.

At this point that the Chairperson indicated there had been some very positive progress, regarding the sustainability of the Centre, as there was now an acting Director in place. In October last year the PPSA had transferred the finances of the Centre to the University of KwaZulu-Natal. The Centre had independently produced some outputs, these now needed to be enhanced and moved forward with in terms of strategy. To move forward, the Chair stressed she thought that it was necessary to expedite the Director taking over, even if she needed to run the Centre from where she was via Skype until the permit was sorted.

Resolution 1: The Chair requested the PPSA's international relations desk to write to the new South African ambassador, whose papers had been presented at the UN the day before, to note that AORC was trying to get accreditation at the UN and inform him that the former ambassador, had been aware of this.

Moving forward, the Chair noted that the Board needed to revise their Strategic Plan at the meeting, as it was an irregularity from the auditors' point of view that in the fourth month of their operation they didn't have a Strategic Plan. According to the Chair's notes from the previous Board meeting, it had been resolved that the Strategic Plan would be revised and aligned with treasury, however this task had not been assigned to anyone in particular, and so had been lost at the level of the resolution. This needed to be done in the current meeting. The Chair also stressed that she thought that they should approve the Strategic Plan at this meeting, because any expenditure they made from the first of April was not regularised and this was needed.

In addition clear deliverables needed to be set for the remainder of 2016 she emphasised. There needed to be a clear understanding of what would happen in the months from July to December, so that the Centre could make monthly reports, and not bother the University about approvals - as everyone would then know what needed to happen. **AORC also needed to prepare an annual report. It was supposed to have been done by the 31st of May, but a communication breakdown had hindered this from happening The Chair believed that within a week, this should be ready.** The Board would need ensure that their deliverables and report were linked to the strategic objectives, that their milestones and achievements were clearly stated so that their progress could be easily identified. The Board would need to set timelines, she added so that they complied with the Companies Act.

The Chairperson also advised that the Centre needed to advertise for trainers so they didn't hire on an ad hoc basis. **The University had an abundance of people available. The Centre also needed to set a timeline for when the training of the trainers would be done and when they would be appointed.**

The Chair noted that she didn't know how many trainers were in the Ombudsman area, but she did know that Professor Mubangizi's paper had been published in a book on governance in Africa, and that this had a section on the Ombudsman. Trainers needed to bring texture, not just train from the textbook. The success of the Training in London by Prof Ayeni (GMSI), was due to this approach. He had done what they were trying to do for the past three years; find people who are already working in the area, assign them, have periods of them and later assign them to training because then they won't just rely on book value, they would rely on examples coming from their understanding, their research background and their work. **The Chair noted that individuals like Dr Tjipilica, Andre Marin from Canada and Ms Bosman who she had met in France would make great trainers, Mrs Bosman would be happy to be part of our training group provided she was advised on time.**

Resolution 2: The Chair stressed that they needed to prepare and approve a decision register after every meeting. This would help the Secretariat, the University and the Chair with following up on tasks and responsibilities. Everyone would know exactly what they were supposed to do, then the minutes could arrive later. She did however credit the Secretariat with making the effort made to ensure the minutes were comprehensive and received on time

The Chairperson additional suggestion were the following:

- AORC to submit monthly reports based on each key result area. This was a standard corporate practice. With the old Director, she noted they were required to submit weekly reports and monthly reports. Weekly reports were no longer needed because the Centre accounted to the University but monthly reports were needed to monitor their schedule from a corporate governance point of view
- Linked to this, the suggestion above the Chair proposed the preparation and approval of a decision and delegations framework. This was a requirement of corporate governance. At present there was no document that clarifying who was responsible for approving what. Referring to the Policy brief exemplified, as Chairperson of the Board, she noted that her approval had not been sought in creating the document. The Chair also remained unaware of how it fitted in AORC's Strategic Plan and in the Annual performance Plan. It was necessary that they know what decisions can be made by who, what decision can be taken by AOMA, what decision can be taken by the Board, what decisions are delegated to the Chairperson, what decision are delegated to the University. This would ensure accountability when the new Public Protector takes over.
- The Chair proposed the appointment of Board committees. This suggestion had been made by the IOD and provided another means of monitoring decisions. The main areas that needed proper oversight by the Board included one sub-committee for research, one for capacity building, one for finance and fund raising, and the last for governance and international relations.

In conclusion the Chair thanked all in attendance especially the Public Protector SA for their support. On behalf of PPSA the Chair also apologised that since Mr Kula left there had not been a follow up on the international relations. Regarding the financial statement, this should have been prepared by the University but this task had not been specifically mandated to them. She stressed that she was sure

that the University was aware that they needed to provide a financial report at every Board meeting. What they needed to be clear about was who has to prepare a financial statement, so that they had expenditure per quarter. At present they didn't have anything that tells how much money was spent since the beginning this year financial.

2. Apologies, Additions to and Adoption of the Agenda, Confirmation of Quorum

Next the Chair called for apologies, additions to the agenda and the adoption of the agenda.

The acting Director responded, noting that apologies had been received from the President of AOMA, Mme Fozia Amin. Everyone else was present.

The Chair thanked the Director then announced that Mr Kula had resigned from the PPSA and would no longer be attending on behalf of the CEO.

In relation to the quorum, the acting Director responded in the affirmative explaining that a quorum was reached with four Board members. This has to include representation from the University of KwaZulu-Natal and AOMA. At present they had two Board members from the University of KwaZulu-Natal, three Board members representing AOMA and the Chair herself making a total of six.

The Chair thanked the acting Director for this clarification then requested they proceed to adopt the agenda while highlighted that there was a change made to the agenda circulated earlier by the secretariat, and it is that the AOMA General Secretary will be the one to present the briefing and report of the EXCO. **[The Agenda was thus adopted with no further changes]**

The Chair then welcomed Mr. Dhlamini, the new PPSA chief of staff who had taken over from Mr Kula, and called on Professor John Mubangizi, Deputy Vice-Chancellor and Head of the College of Law and Management studies at UKZN for his opening remarks.

3. Remarks by Prof J. Mubangizi DVC and Head of College of Law and Management Studies, UKZN

Professor Mubangizi thanked the Chair and welcomed everyone present, to Durban, and for those from outside the country, to South Africa. He continued, thanking the Chair for her comprehensive opening remarks which had shed light on a couple of issues. One of the things she had spoken about - which was very important - he emphasised, was the appointment of the Director Advocate Arlene Brock, who was experiencing difficulties attaining a work permit. From the side of the University they had done everything they could he noted, the appointment had actually been made in December last year, and she still has not attained a work permit.

The Vice-Chancellor said that he was happy to hear that the Public Protector's office was intervening and trying to facilitate the attainment of the work permit and the requirements, particularly by SAQA, and that the University would appreciate this effort being intensified.

He then continued stating that he felt a little worried about the proposal made by the Chair, regarding Adv. Brock being allowed to run the Centre by Skype, being allocated a budget to come a month to visit. He stressed that the Centre needed to think carefully about how to do this so, that they were

not seen to be by passing the law. **He emphasised that he wanted the AORC Board to focus mainly on attaining the work permit and having the permit approved, trusting that the Deputy Public Protector, who has been assigned to intervene would give it every effort to take the matter forward.**

He added that despite this setback, he felt that the Centre had been very privileged to have had Dr Devenish as an acting Director. He thanked her for accepting the appointment and for all the work she had done during the time she has been here. He also said that he thought it was evidently clear from the Centre that she was doing a good job. Certain activities are going well, and a few intern and part-time research positions have been filled. Also, the planned Arabic training has taken place. We really appreciate the kind of work that's being done.

This had only been possible, Prof Mubangizi added because of the transfer of funds to UKZN towards the end of last year. This had been a great help in running the activities from the Centre, with the financial report showing that the funds had been properly used.

In all of this, he extended thanks to the Dean of the School of Law, for her considerable work in relation to the Centre. His involvement was more hands off so he was grateful to the Dean for having direct oversight of what was happening in the Centre and playing a central role. He also expressed his appreciation to the AORC Secretariat, the people involved in the day to day running of the Centre; Dr Devenish and Mr Franky Lwelela

Finally, Prof Mubangizi emphasised that the continual support from the PP herself, her Deputy and her staff was also much appreciated. He then, after thank the PPSA team and wishing them the best, passed the floor to the Dean for her to add any additional points.

With the approval of the Chairperson to take the floor, Dean Reddi began by thanking the Chair and reiterating Professor Mubangizi's comments, welcoming all present and wishing them well over the following few days. Addressing the Chair, she went on to state that she wished to respond, in respect, to some of the issues raised during the Chair's address, in particular the apparent slow progress in achieving the goals of the Centre. Dean Reddi stated that the Chair and Board might recall that the appointment of Advocate Arlene Brock was made in December 2015, and that the expectations were that she would be able to take up her position within three months from the date that appointment was made. Unfortunately, despite the University's best efforts, this has not been possible and the date of her assumption had to be repeatedly pushed back, it appearing that they were making no progress in securing her work permit.

When Advocate Brock was asked whether the University should involve the PPSA in their attempts get the work permit, she was first reluctant in case there were other reasons why her permit was being delayed. However, as they appeared to be making no progress over the past few months, despite the involvement of the ambassador, the University then felt the time would be appropriate to inform the PPSA of these difficulties.

Dean Reddi stressed that the reason the University did not bring the PPSA on Board sooner was primarily one of protecting PPSA from any possible criticism for being involved in this application process.

The second point she wished to clarify was that although the University were in the process of trying to attain a work permit for Advocate Brock, they decided quite early on that she should be involved in the running of the Centre as her arrival was imminent. Almost from the start, therefore, both the acting Director and the Communications and Advocacy Liaison had been in regular contact with Advocate Brock, and every activity was planned in the Centre with her approval, involvement and

engagement. The lack of progress, in terms of achieving certain of the outcomes, had been at the request of Advocate Brock who wanted to be directly involved in what was going on. Based on the expertise and experience that she brought to her position as the Director, the University had to accede to those wishes. Advocate Brock could not be accountable for those delays, because the expectation was that she would arrive in South Africa far sooner than what had been managed.

Secondly, Dean Reddi stated that she also wished to mention, that although the Centre had thus far we relied entirely on the financial support of the SA Department of International Relations (DIRCO) for funding, Advocate Brock had firm plans to source funding from other institutions to ensure the Centre's sustainability, which was an exciting prospect.

Dean Reddi concluded by thanking the two members of staff, who had worked closely with Advocate Brock and for the achievements made since the beginning of the year. This might not look like much but she was aware of the effort that had gone into these activities and she wished to express her thanks to them.

The Chair thanked Professor Mubangizi and Dean Reddi for their comments, stating that she did thank the staff, but pointed out the gaps, and the biggest gap referring to the Best Practices Policy brief, was working systematically. Her approach was that one did what was planned first, then one did what one must after. It was agreed that the Centre would have a list or a programme that they would follow, as this ensured accountability, because when there was no plan, there is no accountability. From the government's point of view, the only way to oversee what happened in the Centre, she emphasised was when there was an agreement about operating from a set plan.

The Chairperson then added that one of the reasons they had withdrawn the initial Comparative Analysis of Legal systems Study (the findings of which the Policy Brief were based on) was because the PPSA and Kenya disagreed with the blanket treatment of Ombudsman institutions accorded in this Study. The Chair stressed that she had found that in Europe, this blanket treatment was no longer true. Different institutions had different powers; some binding some not. This reference in the policy brief could have been avoided if they had followed proper decisions and delegations. AORC staff members were aware, she stressed, that if something was to be published in the name of the Centre, a certain approval process had to be followed. This had not done in the case of the Policy Brief, and as a Chairperson she was very unhappy with this.

Addressing Professor Mubangizi, the Chair stressed that the point she had raised was not to undermine the work that was done. It was to state that she would have preferred that the Centre do what they had planned first (the list of quick wins) then do the extras second.

The Chairperson continued to state that the second point she was making related to the fact that Dr Devenish was just placed in the position as acting Director, whereas management was a trained thing that required the relevant experience. A proper manager, with this experience was needed to support the enthusiasm of Dr Devenish.

Regarding Advocate Brock, the Chair emphasised that she wasn't suggesting that the Centre appoint her surreptitiously. Her approach was that the Centre could appoint her under current circumstances on the basis of the Centre being an international institution. In such a role she could be more of a guide than authority. At this stage she was also operating at a point where she was not accountable to the Board - because she was not their employee. From a governance point of view this was a difficult situation, and she understand Prof Mubangizi's concerns.

She was asking the Board to look for a way forward. Perhaps, she emphasised, the Deputy Public Protector could guide them as to how long the waiting process was likely to take? And in the meantime they needed to think about how they could boost capacity of the Centre so things could be done according to corporate governance regulations. Management was needed at the Centre more than just research. The Chair thanked Dr. Devenish for joining the team, stressing that she was aware that she was doing the best she could, and that no more could be expected from her.

4. Adoption Minutes of the 13th Board Meeting held in Durban, South Africa, 24th February 2015

The Chair then turned her attention to the minutes from the 13th Board meeting, which required adoption and asked if there was anyone who wanted to make any changes.

[No changes were raised]

Resolution 3: [The minutes of the 13th AORC Board meeting were adopted without any Modification]

[The Board then broke for tea reconvening at 10h50].

5. Matters Arising from the Minutes

After returning from tea the Chair stated that the floor was then open for discussion of matters arising. The Chair suggested that if some of the Board members attending, wanted, they could make preliminary comments, after which they could then deal specifically with the issues raised.

Judge Cowan then motioned to speak. He noted that earlier that morning the Chair had spoken about the various decisions that needed to be taken by AOMA, the AORC Board, the AORC Secretariat and the University. According to his observations, however there did not appear to be a line of demarcation between these institutions. We seem to have jumbled up all the systems and therefore have not been able to know who is who, Judge Cowan stressed. The decisions that had been taken concerning the 50th Anniversary and the AOMA 5th General Assembly should have been, according to Judge Cowan, purely decisions for AOMA. Regarding the making of such decisions he thought that the AOMA executive should have applied to the AORC. Instead he realised that it had only been discussed with the University when the Board was meeting.

Judge Cowan stressed that they needed to try and establish a clear line of demarcation between the Board and the executives which should include the University, and that they should attempt to limit themselves mostly to what the University does, because it was supposed to be bringing its expertise into AORC and AOMA. He also felt that the University should be heavily involved in the Strategic Plan because this was about the timetable of AORC and this was mostly an education matter concerning the Ombudsman. 'They should be more involved in it because we have handed over this job to them', he emphasised

Secondly, when it came to AOMA and AORC, Judge Cowan stressed that he thought they had lost sight of the fact that AORC was a creation of AOMA. AOMA should be directing AORC, but instead it seemed as though AORC had taken control.

He also added that he thought the University should have taken control of the Secretariat. From his observation the issue did not appear to be the acting Director's lack of experience, because her hands he believed were tied. He felt that if Advocate Brock was not ready to take her position, not because of her fault, but because of some decisions that have to be made by somebody else, the acting Director should be given full authority. Only in doing so would they know if she was competent or not. As things stood at the moment she was not making the decisions. If Advocate Brock was not being paid, and

was not a member of the staff, then he could not see why she was being allowed to make decisions for the Board. Judge Cowan noted that he admired Madam Chair because she had been doing work that other people should have been doing. **But he also believed that the Chair should be released from these duties. Instead the AORC Secretariat and the University should come up with ideas, discuss these with the Chair, and if they concerned the Board, a Board meeting should be scheduled to discuss unapproved issues.**

The Chair then responded; thanking Judge Cowan, and clarifying that from her side, ever since the Centre was delegated to the University, that she did not make the decisions. Rather the University that has been doing a lot of work guiding the Centre. The Chair's comments were concerned with being systematic in the work that was done and also about clarifying who does what. The Chair noted the hard work done by the Secretariat with the help of the two Professors at the University.

Responding to Judge Cowan's question about AOMA, the Chair noted that, according to her understanding, they hadn't taken over AOMA activities. Referring to the minutes - page 3 paragraph 3 - they were asked in the last meeting by AOMA if they would fund the General Assembly and conference. The Chair continued stating that AORC did have money for funding because they didn't have activities very often, and that if AOMA asked for coordination, they agreed that it was within the Strategic Plan. She also noted that the University or the representative of AOMA present at the meeting Dr Amollo could speak for themselves on this matter. She would give the floor over to the University concerning demarcation. She did observe that Judge Cowan's point was valid because there remained confusion about who did what and who approves what.

Continuing, the Chair noted that when they had left for tea, she and the Deputy Public Protector had discussed the matter and agreed that they should not be accountable for people's actions. What was needed instead was a decisions and delegations framework - because they had powers delegated to AORC by AOMA. Certain powers could then be delegated to the Chairperson and to the University.

Prof Mubangizi indicated then that he wished to speak. He said that he did not think there was a confusion of roles as they had a memorandum of understanding which clearly outlined these. If the various parties were overstepping their marks, this was unfortunate. As the University, he thought that they understood their roles clearly and were playing them as best they could. The issue of not having a Director was a central concern, and they hoped to resolve them sooner than later. Prof Mubangizi added that it was not correct to say that Advocate Brock was making decisions as if she had already employed. She had not. He stressed that he wanted the Board to remember that they had informed her at the time of recruitment that they had appointed her. What remained was what was called the assumption of duty. This could not happen without her obtaining a work permit. If she had been contacted on several occasions, he noted, it was to give input into issues concerning a Centre which she was going to be running sooner than later

He also noted that it was not correct to say that the Secretariat was not functioning accordingly. When the University appointed Dr Devenish, they were actually lucky because she was available. If they looked at their packages, they would see that a lot had been done, despite problems such as staffing. Prof Mubangizi commended the work they had done. Given the circumstances, history and challenges they'd had before, he believed that they were now on a better footing; and with the appointment of the new Director, he saw greater things to come.

[The Chair then requested to see the memorandum because she felt that it did not correspond with the questions raised that morning.]

Judge Cowan motioned to speak and the Chair gave him the floor

Judge Cowan stated that what he had said earlier was purely based on what had been said by Professor Reddi earlier when she had made her statement. He agreed with this statement - that the acting Director was doing very well. What he was saying, he stressed, was that they could not measure her competence simply by regarding the administrative work when she had not been given a chance.

Judge Cowan observed that the acting Director did not make major decisions. He believed that the Board should allow her play her role as acting Director, especially since they did not know when the new Director would arrive. She should be given the power to push the Centre forward.

The Chair thanked Judge Cowan then turned her attention to Professor Mubangizi's comments. Referring to the MOU this stated, she said, that the University oversaw the management of AORC on behalf of AOMA's executive committee. There was a process here that indicated the approval of the Strategic Plan. There was no programme she noted, that said that the University was authorised to approve the programmes of AOMA. If we have a framework, she emphasised, everyone would know how far they should go and would be able to play their roles appropriately. The AORC already a programme of upcoming events. The Chair would have expected that these would have been approved already by the University as they were their management team.

The Chair stressed that it was a requirement that they asked the IOD Professors to come and assist them draft the decisions and delegations framework - to ensure that as a Board they met the requirements of corporate government. She then asked if there were any comments from the Secretary General of AOMA, Dr Amollo.

Dr Amollo thanked the Chair and Board members. He said that he had hoped to make his observations at a later point, but since some issues arisen, he would comment on them quickly now. He wished to make four brief comments.

Firstly he drew the Board's attention to Annex D in the Board pack which was an extract of the AOMA constitution. His understanding of the 12th article of the AOMA Constitution was that the Public Protector was the Chair of the AORC and the President of AOMA was a member. There was no provision for delegation. Therefore, when he received a letter from AORC inviting him to attend a Board meeting he made sure it was clear that he was attending in his capacity as observer to the Board meeting, not present as a member of the Board or a representative of AOMA. In this respect, he suggested, that if the communication between AORC and AOMA was to be streamlined, then AOMA should be represented by more than just one person at the AORC Board meetings. The AOMA Constitution stated, under article 12, that such meetings shall be quorate by at least one representative of an organisation – what this implied was that AOMA will have more than one representative, when in fact there was only one, and that was the AOMA President.

Continuing, Dr Amollo said that on the second issue, according to his understanding, was that the AORC was an organ of AOMA and not vice-versa. Referring again to the AOMA Constitution, article 12 under Annex 'E', in the Board pack, the Board of AORC was recognised to coordinate high level issues and to give general direction of AORC, but to report to the Exco of AOMA. This continued under 'F', that the Board would give an annual report to the Exco of AOMA. The person responsible for reporting AORC activities to the AOMA executive was the Public Protector.

Dr Amollo said that he felt there was a sense of over-reaching by the AORC Board. Look for example at the Board meeting agenda, he noted, which referred to the process of deregistering of the AOMA. This he supposed was a typing error. Referring to Annex 'D' (Report on the co-option of AORC Board members under the terms of a Section 21 Company and their voting rights) in the Board pack. Dr Amollo noted that his understanding was that the AORC Board's role was to discuss the request made

by AOMA concerning the funding and not more. Dr Amollo thought the relationship was clear. All they had to do was to watch what they discussed as AORC and as AOMA, no matter who is supporting the other.

The third issue Dr Amollo commented on was the request from AOMA to AORC for support for the AOMA 5th General Assembly, the AOMA Strategic Plan and the hosting of the regional meetings. The clear observation was that there has not been any real commitment from AORC, to support any of these initiatives. What they did have, in terms of communication, was a commitment by the acting Director on 2nd June 2016 to present these three initiatives to the AORC Board.

Dr Amollo noted that that was part of the reason, for which he had been invited; to highlight the appropriate details on these three proposals. Firstly however AOMA required waiting further communication as to the extent AORC would be able to support these three initiatives.

Fourthly, in respect of the regional meetings, Dr Amollo noted that AORC had already organised a number of regional meetings, the last of which was with the Arab speaking African countries. As the AOMA Secretariat, he confirmed that they had not been involved in any of them. He therefore did not report on any of them, not had any AOMA activities been connected with them.

The Chair thanked Dr Amollo, stressing that the issues he had raised fell down once again to the absence of clear demarcated roles and responsibilities. Even as Chair of AORC, she noted, she had had no idea why Dr Amollo was invited to the Board meeting. In the Kenyan AORC Board meeting, there had been a discussion about the representation of AOMA, and discussion regarding AORC being an organ of AOMA, and they had always understood AORC to be like the faculty of law, and AOMA like the University.

Continuing, she stated that the duty to run AORC has been given to the Public Protector SA. It all came down to who signed what. She as Chair could only report to AOMA if a report is given to her by the Secretariat. The Chair expressed her surprise that AOMA had not been invited to the Arab training because she had specifically requested the Secretariat to invite the AOMA President or another AOMA Board member.

The Chair noted that what she was saying was that AORC understand that they had been made to support AOMA. DIRCO's understanding too was that their customer was AOMA. As do the embassies that they had approached for support. She noted that they were not trying to steal anything from AOMA but that there had been a bit of confusion due to the lack of detail in the documents concern the constitution.

A confirmation was also received by the secretariat of AORC that that the president of AOMA was invited and was part of the Arab training.

The Chair apologised on behalf of AORC, if they had overreached, stressing that their understanding was that they were there to fund. AORC had discussed issues concerning what would be easiest from a financial point of view. Professor Reddi had communicated to the Chair what the Centre was capable of funding. She stressed again that they didn't want to overreach in terms of violating University rules and promising money they didn't have. Her understanding with regards to Dr Amollo's presence at the Board meeting was it would be to discuss where the 5th GA and 50th Anniversary celebrations would take place because when she had sent the team to represent AORC in Kenya, the message was that they were ready to fund wherever AOMA decide to host.

The Chair noted that she had suggested that AORC consider hosting these events. The Public Protector SA, although a member of AOMA, was in no position to host. If none of AOMA's members

were able to host, and AORC was their last resort, then they would be able to host it. The government of SA would support, and the Deputy Public Protector would make sure that things ran smoothly.

Moving on to the discrepancies between the French and English versions of the AOMA Constitution the Chair noted that Dr Devenish had included a document in the Board packs about these. **The Chair said that she had responded that there was in fact no discrepancy – what had happened instead was that someone had forgotten to delete something that had been proposed, but that had actually been rejected.**

With regards to having regional representatives the Chair said that that had never been agreed upon and would deplete their resources.

Addressing the AOMA Secretary General the Chair said that she hoped this explanation was satisfactory. Speaking for the group as a whole she said that she didn't think anyone had tried to take over AOMA's decisions as they were still nursing the organisation.

Dr Amollo then responded, stressing that when he had said there was overreaching, this was meant in the best possible way. He had no doubt that decisions taken by the AORC were in the best interests of AOMA and the Ombudsman institution in Africa. **To explain more clearly he referred the Board to the second last paragraph of page 11, of the last Board meeting minutes, concerning the registration of AOMA. This issue had been discussed by AORC, but AOMA had not been registered anywhere. This was a matter that should have discussed by the Exco of AOMA.**

The second point on this same page - last paragraph - was 'the accreditation of AOMA with the UN'. The forum of accreditation had to be done by the AOMA Exco.

On page 17 of the minutes - 4th paragraph - the hosting of the General assembly was discussed. Dr Amollo noted that he had many questions concerning this matter. He was not a member of the AORC Board. The AORC Board was discussing which country would host it, without communication to AOMA as to whether or not they were ready to host it, this he believed was inappropriate. Rather AORC should focus mainly on what assistance it would be willing to give. It was clear to Dr Amollo that the AORC Board had agreed to assist. What remained unclear was the extent to which they were willing to help.

This was what Dr Amollo meant when he referred to over-reaching, he said. It was when things that should have been discussed by the AOMA Board were discussed by the AORC Board instead, creating confusion.

With respect to the Arabic training, Dr Amollo noted that it was true that the President of AOMA had been present. However, then point he was trying to make was concerned with information. The AORC Secretariat should have informed AOMA about the Arabic training meeting beforehand. AOMA did not get any such information, and without such information, they couldn't communicate with their members. **What was lost as a result was the opportunity for AOMA to use these meetings to discuss amending the AOMA Constitution with members – a matter which the AOMA Exco had agreed to do whenever there was a regional meeting.**

Addressing the proposal by the Chair - that the AOMA Secretary General be made a Board member - Dr Amollo responded that at that meeting he was asked whether or not he would not mind being on the Board. He said that while he had no objection, but that the AORC Board was the only appropriate forum in which such decision could be made was, not the AOMA General Assembly nor the AOMA Exco. As the Chair herself had noted, Dr Amollo stressed, the AOMA Constitution as it

was, was strict. All those proposals, in line with the constitution, should be addressed for constitutional amendments. Thank you very much.

The Chairman thanked Dr Amollo. **She then proposed that the Board resolve to consult with the IOD or the equivalent of the IOD of the University. She noted that their understanding - as they did in the case of inviting AOMA President Madam Fozia Amin to the Arabic training was that once they communicated with the President of AOMA, the President would communicate with the AOMA Secretariat, and would issue a written report and inform her colleagues. AORC had however been wrong. In this respect, there should have been additional communication directly with the AOMA Secretary, she noted, of which they were not aware.**

With regards to the registration of AOMA, the Chair noted that the issue came up, but that the main registration they were focusing on was AORC. In terms of accreditation with the UN, they felt that it was best to have a combined effort going forward. **Hence the team working on this issue was supposed to include Kenya, Namibia, Zambia and the AORC Secretariat – as they did not think it was proper for AORC to just speak for themselves. They were part of a group. They could then report to everyone.**

Unfortunately, the Chair noted, they did not manage to facilitate a combined effort. AORC had thought that the President of AOMA would have communicated the way forward to them, but that did not happen. She stressed that whoever approached the UN in this regard that they should approach them on behalf of everyone, rather than piecemeal. They would not register the AOMA in SA, but once it's registered in Kenya, SA should still have a record of it as an international organisation.

Judge Cowan then addressed the Board with a quick suggestion; that the executives of AOMA and AORC met so that they could sort these issues out. Once they had met and agreed upon a way forward, the ones who needed to pursue the agreement would know what to do. In the future the copies of this document could be sent to the Secretary General of AOMA.

Resolution 4: The Chair thanked Judge Cowan and put forward his proposal; that the secretaries of AOMA and AORC secretariat should meet to discuss their relationship management. The outcome should be the decision and delegation framework by the 6th of July 2016

On the issue of the co-option of the AOMA General Secretary after several interventions, a suggestion that seemed to be agreed by all Board members was made by Prof Reddi, putting forward a two part proposal, one that they co-opt Dr Amollo now so that he could immediately become a Board member, although he wouldn't have the power to vote. Secondly that the AORC Board simultaneously also submit a request to the AOMA EXCO and GA to amend the Constitution so that he could become an AORC Board member with the power to vote.

Resolution 5: Dr Amollo is co-opted as a member of the AORC Board and it's a decision of the AORC Board as well that a request be made for the constitutional amendment to increase the representation from AOMA in the Board of the AORC and give to the General Secretary the power to vote.

The Chairperson then turned her attention to the revised Strategic Plan, she advised Board members that the document in the pack was not actually the Strategic Plan but the Activity Programme Plan. The Chair noted that while the Strategic Plan focused on a three to five year period, the Activity Programme Plan that accompanied it looked at only 2016-17. The Chair suggested that the Board redefine this document as their Activity Programme Plan (APP) and approve it on this basis.

She then responded to the concern of Judge Cowan enquiring whether the University will be involved stating that the University would be involved by virtue of the Memorandum of Understanding (MOU) between AOMA and the Public Protector South Africa. The University was obliged to get involved in terms of this MOU.

Prof Mubangizi intervened suggesting that the document in the pack remains in place as the document that at least sets the events for the year 2016-17 and could be used as a road map in order to create a basis for any expenditure that has to take place.

In the same line of thinking as Prof Mubangizi, the acting Director then highlighted that with the development of the Strategic Plan, this was obviously a revision of the existing draft. I think we need to be careful because if this is going to be a roadmap that will take us forward, it has to take into account the resources and skills of team members she added.

The Chairperson expressed her concern that although this suggestion is good, there was a need to have budgets for activities that had been committed to. Our deal with the University is that we have a signed Strategic Plan that gives you a basis for spending without approvals, this will help to avoid a situation where the Centre has a continuation of things that are just happening and that was not the agreement, she said.

Resolution 5: The document in the Pack should be considered as an Activity Programme Plan, subject to being aligned with all 5 strategic objectives

The view of the Chairperson is that at the moment the Centre is operating without an expenditure framework and it is the responsibility of the Board to ensure that the South African government's money is spent well. She also added that everything that had been done since April would have to be authorised in reverse, because what had already spent was not been authorised by the Board, and that the only way the Board could authorised things was through the Strategic Plan.

In relation to the suggestion by Judge Cowan that there must be a provision for an emergency budget, it was been resolved:

Resolution 6: An emergency budget should be drafted within 10 days that should be approved by the Board until proper documents are prepared. Until then the Centre is not allowed to spend any money except for salaries only

In response to the advice of Judge Cowan, the Chairperson emphasized the need to procure an expert who could quantify the work at the Centre. It was not ideal that the work should stop, but it was wrong to spend without a budget, she said. She also added that the Board could not approve that Centre continuing to work without a budget because that would be violating its own operational framework. We are not going to have further expenditure without pre-approval, that is not negotiable, she concluded.

The document in the Board pack was accepted as an APP that needed to be updated and costed as an emergency budget. It was then been resolved that:

Resolution 7: Expertise would be procured to assist with the Strategic Plan, oversight would be performed by the University and the Public Protector team would be consulted. The timeline agreed upon for the finalization of the document was July 31.

Resolution 8: On the issue of the work permit of the new Director of AORC, the Chairperson informed the Board that the PPSA would get Ms Young to assist with the unlocking of Mrs Brock's permit.

On the issue of the process of deregistering AORC as section 21 and its registration as an international organisation, the Acting Director informed the Board that contact had been made, and documents had been sent to the law firm that was involved in the registration of AORC. This firm provided the advice in annex E of the Board pack. This provided two options for the process: One, to stop making annual payments of the company's returns. The company would then deregister automatically, but this would take three to four years. Secondly, the directors of the company could give their written consent, and one of the director was required to attend a CACP meeting in order to deregister the company personally.

While highlighting the delicacy of the process, the Chairperson requested that the SG meet with the secretariat to investigate a more reasonable way to proceed with deregistration, this might include sourcing an agency that could facilitate the process, if possible, as a proxy to the Board. The University and the secretariat would investigate the option two of deregistration. However a resolution was accepted that:

Resolution 9: Until deregistration was completed, AORC had to comply with the law. The secretariat should make sure that by the end of the month they had complied with the Companies Act requirements.

On the issue of the accreditation of AOMA and AORC, the Chairperson confirmed that she had been informed that AOMA was proceeding on this, and it was agreed that a meeting would take place between the two to clarify the issues. She suggested that the Board agree on the timeline for the meeting to take place. I fear that if we don't have a timeline now, we will come to the next meeting without a point of reference, she said.

Dr Amollo responded that the issue was about the meeting, and what needed to be shared between Dr Tjipilica, Adv. Walter, the Chairperson of AORC Board, and Dr Amollo, then they could move together as AOMA and AORC in the framework that was given.

Resolution 10: The secretariat of AOMA was to share whatever information they had regarding the accreditation, sourcing it from PPSA, this was a report on a meeting that took place in New York and a document that was sent to the new representative of SA at the UN. This meant that the Board was disbanding the Angola and PPSA from this task. Kenya, Namibia, Ethiopia and SA would take the matter forward.

On the issue of the AORC provision for the 50th anniversary, the Chairperson informed the Board about a letter sent to AORC saying that they still needed to indicate whether they were providing funding or not. She indicated that AORC had replied saying exactly what they had agreed to fund and the extent of their funding. What happened to that letter? She asked Dr Amollo.

Dr Amollo responded saying that there were still issues pending. When they initially requested support from AORC. They received communication that AORC was willing to support Tanzania with transportation fees of some Ombudsman who were unable to fund their own transport and accommodation. At that stage it was assumed that the other expenses incurred would be sponsored by Tanzania themselves.

But Tanzania then came back and said that they were unable to fund the entire process and wanted to know specifically the extent of the support AORC was willing to give, so that they could engage with the government. AORC said they would be able to fund Ombudsman and one assistant, but Tanzania said it would be impossible, even with that assistance, because of the change in government. He added that Zambia offered to host the General Assembly without seeking assistance so far, but the problem

was that they were offering to host it in August next year. The AOMA constitution required it to be held by November this year. The EXCO of AOMA accepted that proposal, pending, saying that they would rather comply with the constitution. Therefore, they had invited any other member who was able to host to it to come forward.

Dr Amollo added that Malawi wrote to them and said they were able to host the General Assembly this year. They asked AOMA to give an estimated cost, which was about \$100 000. They said they were only able to offer \$1 200 to that purpose. For him, what would be more helpful, apart from finding out who would host, would be having more clear figures. Dr Amollo then asked if it will be possible for AORC to provide travel and accommodation for Ombudsman and at least one assistant.

The second aspect that needed to be clarified was the content of the meeting - so that what was to be discussed was made clear. He suggested that they could use one or two days for serious conferencing, and the last day for the General Assembly.

The Chair thanked Dr Amollo while highlighting that her understanding was that AORC was funding exactly what he had mentioned. She added that the view was that if people could afford to pay for themselves, they should. They had made it clear what the budget items were.

Prof Reddi agreed with the Chairperson and added that at the time the decision was taken, they were not sure about where the GA was to be held. According to Prof Reddi, plan B was that it would be hosted in SA and the Centre was to pay for other arrangements such as logistics. In terms of specific funding for AOMA members, Prof Reddi said that it was agreed that they would cover the travel and accommodation costs for those members of AOMA who were unable to afford to attend.

The Chairperson then highlighted that the approach was to get people who could afford to pay for themselves to do so, given the fact that AORC was already far beyond its expected expenditure, "I don't know if it will work out the way AOMA is asking. Our expenditure capacity at the moment, far exceeds the money we've been given", she added.

It was at this stage that Dr Amollo requested the Board to review the previous resolution and consider a new resolution to cover all the costs involved for the GA: "The resolution that I've given is in terms of the Board. We are now asking the Board to change the resolution to now cover the costs" he said.

In response to the request of Dr Amollo, Judge Cowan suggested that the AOMA and AORC Secretariats meet and discuss this issue, so that later on, the Board could know what arrangements had been made. Judge Cowan's suggestion was that the Board not make a decision regarding this issue now, but that both the Secretariats of AORC and AOMA meet and discuss first.

While putting the suggestion of Judge Cowan on the table for further discussion, the Chairperson highlighted the fact that this would mean that the original decision of the Board be kept, which was to fund the total conference package, however when it came to travel, it would be restricted to people who could not afford it.

The second thing that the Chairperson put on the table for clarification from the General Secretary of AOMA was the content of the conference: "We were asked by one of the funders what the conference was about and I asked that the answer be forwarded to Kenya. I thought the conference would cover the 50th anniversary. Whether we're in Tanzania or not, we would still be celebrating 50 years of the African Ombudsman. Is that still the thinking of AOMA or have things shifted?" She asked.

While thanking the Chairperson, Dr Amollo responded that that this was still being decided. It's unfortunate that Tanzania is unable to host, but wherever it will be, the 50th anniversary will still be

celebrated. The idea was that we would have celebrations that focus on the anniversary, but also on the strategic areas and challenges of the Ombudsman, he added.

On the suggestion of Judge Cowan, Dr Amollo expressed his disagreement saying that they had spent at least four or five months communicating at a secretariat level. Unless a decision was taken, they would be a continuation with that communication without an answer. Secondly, we won't be able to know if we are having a General Assembly this year, he added. According to Dr Amollo, The decisions that were to be taken were fairly narrow, and the first decision, was to invite the Board to make a resolution not just to support some members but all members, granting in their communication, that they would only mention the members who were unable to fund themselves. I would also suggest that we make room for the cost of translation, presenters and possibly the conference venue, he stressed. Secondly, to have an indicative rate and find out if the resolutions taken with that indicative rate were available to AORC, he added.

Dr Amollo concluded his intervention with a request: whether the Public Protector South Africa was willing to host these events in SA before November?

At this stage that the Chair asked to be reminded when the original decision by AORC to sponsor these events had been taken, and if there was any budget assigned to it?

Prof Reddi responded, underlining that taking into consideration the available funds of the Centre, she thought that the figure of \$100 000 to sponsor these events, was possible on the part of the Centre

The Chairperson welcomed the proposal of Prof Reddi. We have the answer now. Regarding the PPSA, the only person who can make a decision is the Deputy Public Protector, she added.

The Deputy Public Protector agreed with the possibility of having these events in Durban, while admitting that the elephant in the room was the money. It would be nice as well if Durban as a city could host it. I have very good links at DIRCO, he added.

On the request of the Chairperson about other potential funders, Ms Benita Young from the Office of the Public Protector confirmed that the German embassy has shown interest. They were very pleased to get the outline. What they further needed was the actual venue.

The Chairperson then requested Mrs Young to send the proposal that was sent to the Germans to the General Secretariat to see if it was in line with their thinking. That would be extra funding, but the package was to be funded by AORC.

Seeking confirmation about the funding process Dr Amollo summarized his understanding in this way: "as I understand it, I can leave here with confidence in three things. One, if the budget is around \$100 000, it can be covered by AORC. Secondly, the Board has resolved that the cost can cover accommodation and travel for members and an assistant, presenter, translators and conference activities. Thirdly, as the PPSA and the AORC Board, you're happy to offer that the GA be hosted in Durban in November this year".

All Board members were in agreement with this statement of Dr Amollo as the summary of the above discussion, it was therefore resolved:

Resolution 11: That the GA would be hosted in Durban in November 2016. AORC would sponsor the Conference and General Assembly to the value of \$100.000 (Hundred thousand us dollars), the cost could cover accommodation and travel for members plus one assistant, presenter, translators and conference activities.

It was at this stage that the Chairperson suggested that a part-time person be contracted to coordinate the conference. That would make things easier. This did not need to be a high-level person, but someone with experience, she said. She also suggested that the project proposal drafted by AOMA be circulated to all Board members.

In relation to resolution 12, Prof Reddi noted that although the project proposal was available, what was not present was the document stating that AORC was willing to host. What document can we give in relation to that? She asked.

The Chairperson responded on behalf of the PPSA by requesting the Deputy Public Protector to the lead office in supporting the project.

The second thing raised by Dr Amollo was another specific proposal where AOMA requested AORC to fund the Strategic Plan for AOMA. There was a specific quotation from Professor Ayeni of \$ 19 000. After negotiations, this was brought down to \$ 10 250 without airfares and accommodation. A letter in this regard was sent to AORC.

Prof Reddi was the first to speak suggesting that the only problem that would arise in this regard was the university's requirement of sourcing at least three quotations. Since AOMA already had five quotations, this should be fine. Would it be part of a broader meeting somewhere else? She asked.

Dr Amollo responded negatively to Prof Reddi, highlighting that the EXCO of AOMA requested the General Secretariat to get quotations. They wrote to Prof Mubangizi and Adv. Brock and some other professors, as other possible consultants. They all made quotations. The resolution from AOMA was that if AORC could fund it, then the General Secretariat would get on with it.

The Chairperson then gave her own opinion that it would be ideal for AORC to fund this project while assuming that the University also wanted AORC to spend within the strategic framework. She then requested that:

Resolution 12 : The request for AORC to fund the drafting of the Strategic Plan of AOMA be differed to the next Board meeting, and that the AORC secretariat to make sure that the DIRCO funding proposal and agreement be included in the Board pack in order for the Board to comprehend the framework within which AORC could fund this project.

The third issue raised by Dr Amollo was the proposal made earlier by the Chairperson stating that the Chair of AORC would be the Public Protector South Africa or the Deputy Public Protector in her absence.

The Chairperson responded, acknowledging that the constitution did not allow that, but that a proposal would be requested to amend the constitution to allow for this.

EXCO ZAMBIA REPORT

At this stage the Chairperson requested that Dr Amollo take the floor to give a brief report of the EXCO meeting in Zambia, while underlining, in relation to the Regional workshops, that it was been agreed at the level of the AORC Board, that the workshops would be part of training programmes, but there was still a need to agree on dates. This meant that the new AORC Annual Performance Plan would cover the dates and budgets for training and networking.

Dr Amollo agreed with the Chairperson on the issue of the regional workshops being part of trainings. However, his request was that when the regional meetings were being planned, they should be planned in conjunction with the AOMA secretariat so that that could they could use them for

consultation with members in terms of what else needed to be done to amend the constitution. We had also agreed that we'd use them for the regions that had not elected regional representatives, we'd use that opportunity to ask them to elect their regional representatives, he added.

While accepting the request of Dr Amollo, because it was part of the DIRCO vision, the Chairperson alerted the secretariat to the fact that by holding the conference in Egypt, they had earned AOMA a member - Egypt has submitted their membership application to AOMA.

Acting Director Report

In her report the Acting Director, Dr Devenish highlighted that despite the known capacity challenges AORC was facing the following had been successfully realised:

- Since the last Board meeting, AORC has completed the translation of AORC's award in Ombudsman practice and training manual into Arabic.
- 26 staff from the Ombudsman institutions in Tunisia, Egypt, Mauritania, Sudan and Chad had successfully completed this course in Ombudsman practice
- AORC had produced and published its first policy brief, aimed at a more general public audience.
- The production and distribution of AORC's 7th newsletter.
- Progress had also been made regarding the extension of the comparative analysis legal system study. The additional 8 countries called for in the revised reference had been selected based on the study methodology and research requirements. These included Madagascar, Ghana, Rwanda, Libya, Nigeria, Djibouti, Angola and Gabon. The offices of these countries had been officially contacted by the AORC to request their participation. A questionnaire has been administered in preparation for the visits which it was hoped would commence in August through to Sep and Nov this year.

She added that that AORC's recent Arabic training in Cairo was a significant step forward with regards to strengthening the AORC and AOMA presence in Arab speaking African countries. This training had provided an opportunity for creating networks between the four participating Ombudsman offices, as well as AORC and AOMA. Furthermore by partnering with the Human Rights Council in Egypt in this training AORC had managed to facilitate the application of membership the Human Rights Council of Egypt to AOMA. This it was hoped would be the start of a long-standing relationship, she added.

The acting Director also pointed out that through the Arabic training, AORC and AOMA had been able to establish communications with the Ombudsman of Libya. They were set to attend, but unfortunately, due to visa difficulties at the last minute, they could not make it. Through the Arabic training, AORC had also managed to re-establish AORC and AOMA contact with Mauritania. The last contact with this country had been in 2012.

Regarding the Extension of the Comparative Analysis of Legal systems study the acting Director added, AORC had assembled a new research team including two new part-time researchers who had come on board to assist. AORC felt that in order to maximise the resources offered by the Extension study, it would be beneficial to combine this study with the Enforcement mechanism study currently in AORC's pipeline. By combining these two studies, we were really maximising our capacity and resources, she stressed but we would also have to take into account that by enlarging the studies, we would need to give them more time for completion.

In the pipeline, the Acting Director also mentioned some future research projects which had been discussed and proposed in conjunction with Mr Lwelela and Adv. Brock, for example a study that presents an analysed index of ombudsman Jurisprudence. No final plans had been drawn up in this regard, but it was being discussed at the moment.

The Acting Director also announced that AORC had had a very successful needs assessment review with the four Arabic speaking countries who participated in the recent training. A lot of valuable information came out of this needs assessment, providing a concrete examples of the impact of the work that ombudsman and mediators were doing.

The Arabic training had proved important furthermore because it had helped AORC to begin building very important relationships with North African Ombudsmen and the NCHR in Egypt, and with our trainer, who had provided a lot of useful feedback on the training material and how she thought it could be adapted and improved for a North African context. As a result the trainer had also agreed to assist AORC to revise the material and to conduct training for us in future.

Connected to the Arabic training, in terms of the AORC's mission of advocacy, out of the training we were able to have a successful meeting with Mr Feyer. This has resulted in the council submitting an application for Egypt to join AOMA.

Moving on to the AOMA website the Acting Director said that over the past four months the website has been regularly updated, and she was pleased to report that AORC/AOMA online presence was growing. The AOMA AORC Facebook page now had 613 friends and 265 likes. AORC had a target of 4 000 likes and was working to get there.

In terms of upcoming events, this year marked the 20th Anniversary of the PPSA in its current form and also the 50th anniversary of the ombudsman in Tanzania. To celebrate these landmarks and to encourage awareness around the institution of the ombudsman Africa, the Centre was planning a round table discussion on 20 years of the Public Protector in SA. The aim of this would be to provide an opportunity to reflect on the role and the significance of the ombudsman in SA, the extensions and limits of its power, as well as how the office has evolved since its establishment and how it will continue to evolve in future.

The event would be hosted by the school of law and would act as an outreach mechanism within different communities of university, government and civil society. AORC intended to use the event to publicise and promote the work of Centre as widely as possible.

In terms of the development of AORC as an organisation, the Centre was aware that what was needed was a sustainability strategy, and that when this was developed fund raising would form an important component. There is also an awareness that AORC needed to diversify funding sources in the future and look at ways to make the Centre more sustainable.

In terms of human resources the Centre was trying to develop internships, and considering the idea staff exchanges with in AOMA member countries coming to visit the Centre for 3 or 4 months to work with us. This would provide a great opportunity for AORC to learn more about how other ombudsman offices operate and for those staff to understand how our systems operate.

The Acting Director stressed however that the most important thing in terms of sustainability was the arrival of the new Director Arlene Brock.

In concluding, the Acting Director reported that the bulk of the financial report covering the past financial year was complete and requested the permission of the Chairperson to go through this. The Chairperson suggested that she would rather we have a proper written financial report instead

Prof Reddi proposed that a proper financial report be prepared from the previous meeting till today, and that it should be circulated to all the AORC Board members for their attention and approval.

The Chairperson seconded the proposal of Prof Reddi, It was thus been resolved that:

Resolution 13: AORC Secretariat to prepare a proper financial report be prepared from the previous meeting till today, and that it should be circulated to all the AORC Board members for their attention and approval by the end of July 2016.

With regards to the hiring of part time researchers for the Extension Study the Chairperson suggested that it was not ideal to hire part time researchers. She also stressed that in hiring she felt AORC should not confine their research pool to the university.

Dr Devenish responded that the position of researcher had been open to anyone, it was not confined to the university. Referring the Board to the attributes or minimum criteria for such a researcher, however she stressed that it was generally an academic who met such criteria.

With reference to training, Dr Devenish said that they asked about impediments to advertising for external trainers and putting them on our data base.

Prof Reddi then added that if that's the advice of the Board, AORC would will follow it and there was no impediment to this

The Chairperson confirmed that as an ideal training should be accredited by the local university so that trainers get a SAQA certificate.

The Chairperson then requested Board Members to give their closing remarks.

Judge Cowan spoke, saying that in future, he wanted proper Board documents with the necessary resolutions, sent to Board members in advance so that they are fully briefed prior to the meeting.

Mme Traoré spoke saying that she was been quiet because we took long at the procedure argument and the question of links between the structures. I was more interested to hear the pre-occupations of others. What I can comment on, are the presentations that were given to show the Centre's position according to AOMA, to show the importance of communication between the different structures. I support the Judge saying that we need to have documents in advance to understand all the dynamics and especially measure the existing strengths of the Centre so that it can realise its activities.

Chair: Thank you Madam. I hope that the secretariat has taken down what you've said. Any last thoughts Dr Tjipilica ?

Dr Tjipilica then spoke, thanking AORC for the hospitality and the sponsorship to attend the meeting. Then addressing particularly to the Chairperson, she said: "on all the points discussed here, I'm a bit worried because you've affirmed severally that you will soon leave us. We would like to know exactly when that will be and if you'll have an opportunity to renew your mandate. I would like to congratulate you on you intelligence and wisdom and for the manner in which things were run hanks to your guidance. If you can recall correctly, in March 2011, we officially inaugurated the research Centre with President Zuma and we promised to walk together through the whole thing. It was not easy. In your country for example, you faced challenges, but you overcame them until now. I say thank you on

behalf of my colleagues. At the beginning, the Prof said we have faced challenges, but AORC is here and ready to keep moving. Miss Devenish reported back and showed massive progress. What is very clear is that AOMA and AORC should be vibrant for the good of Africa. Thank you''

The Chairperson then responded that the Public Protector mandate is not renewable. I'm leaving on the 14th October. The process of appointing a new PP has already started in parliament. We anticipate that we'll know the name of the person by mid- September this year. That's why I was saying that by November, I would not be able to facilitate the Centre and other activities. Thank you for your kind words. Last words SG.

Dr Amollo then spoke, thanking all members who have travelled from far for this meeting. Secondly, I would like to thank the secretary for your hard work. I'm confident that you will smoothen our interactions as we forge ahead between AORC and AOMA. I want to thank the members of the AORC Board for determining that it's appropriate that I be co-opted into the Board. Dr Amollo also informed the Board that the next EXCO is proposed to be in September and the Ombudsman of Namibia had offered to host it and that he would like for them to make the date for the next EXCO earlier so that the PP can attend and we as an organisation can have the opportunity to bid her farewell.

Deputy Public Protector the spoke: From my side I think it's a very god proposal and I believe we should go with it. I believe the Centre should keep things going. For the countries that don't have Ombudsman, our aim should be to see to it that they get one. Thank you to Prof Reddi and Mubangizi.

Prof Reddi then spoke saying: I would like to thank all the members present here today and for the effort you put in to be available. I would like to thank all the Board members for the guidance concerning the Centre. I think we should not lose focus on why we're here; which is to make sure we bring good governance to Africa. I would like to wish everyone a safe travel back.

The Chairperson stated her conclusion by thanking everybody, including the translators for excellent translating, to the secretariat, not only for the efforts they put to the meeting, but also for making sure that the Centre is functioning accordingly and for the commitment in making sure that the Centre is visible. Taking the words of Professor Reddi and the Deputy PP, any criticism is with the understanding that we are to be a Centre of excellence and we are supposed to train Ombudsman to investigate bad governance, she added.

The Chairperson moved on to thank all Board members and secretariat. Without you, there wouldn't be a Centre. Thank you, not just for coming, but for your inputs and patience regarding the fact that the documents did not arrive on time.

Lastly, the Chairperson thanked AOMA, thank you Dr Amollo for coming and for your guidance. We hope that arrangements will be made to assist as much as possible with the conference. From the PP SA, we would ask that Mrs Young assist with international mobilisation and a committee constituting Kenya and SA be created to drive the conference. I would hope we have our last meeting in the next three months. If, for whatever reason I'm not able to join you, I'll continue with my research and my love for the Ombudsman institution, she concluded.

Dr Tjipilica: I wold like to say that AOMA would always be there. We might leave, but its work will still have effect. Applauses please!

The Meeting was concluded with a group photo.