



مركز بحوث الرقابيين الأفارقة

African Ombudsman Research Centre

Centre de Recherche des Ombudsmen Africains

Centro de Investigação da Provedoria de Justiça Africana

**MINUTES OF THE 6th AORC BOARD MEETING, HELD FROM 18 – 19 February
2013 AT THE MARITIME LAW & STUDIES BOARDROOM, ROOM E508,
SHEPSTONE BUILDING HOWARD COLLEGE CAMPUS, UKZN**

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

MEMBERS: Dr Paulo Tjipilica (Ombudsman, Angola)
Mme Alima Traore (Mediateur, Burkina Faso)

Mr Themba Mthethwa (CEO, OPP-SA)

PRESENT: Dr Managay Reddi (Dean, Law Faculty, UKZN)
Mr Lesala Mofokeng (Law Faculty, UKZN)
Mr Ruan Kitshoff (GIZ)
Adv. Ishara Bodasing (AORC Secretariat)
Mr Pierre Ndagirwa (Angola)
Ms Festina Bakwena (Ombudsman, Botswana)

APOLOGIES: Judge Edmon Cowan (Ombudsman, Sierra Leone)

1. Opening & Welcome

The Chairperson opened the meeting, and all present were welcomed, especially those who travelled from afar (Burkina Faso, Angola, and Botswana). The Chairperson made the following comments:

- A backdrop to the IoD training was given;
- UKZN and GIZ were thanked for the publication of the AOMA History Book, and facilitating its launch;
- The Secretariat was thanked for organising this meeting;
- The AOMA President was acknowledged for his efforts to ensure that AOMA leaves an international footprint;
- Mr Mthethwa was recognised for the quiet leadership provided to the AORC and AOMA.

2. Apologies, Additions to & Adoption of Agenda

Apologies were noted from Judge Cowan and Justice Chizumila (who was to attend the training and the Board meeting as an Observer). The agenda was adopted, with the addition of an item on AORC Staffing under “Any Other Matters”.

3. Corporate Governance and Board Effectiveness

Mr Tony Dixon, from the Institute of Directors (IoD), conducted a short course on Corporate Governance and Board Effectiveness. Topics addressed included:

- What is corporate governance (including various definitions)?
- Value of Corp Governance
- Principles of governance
- Link between Governance , Risk & Strategy
- What is a Company
- Directors fiduciary Duties
- Board Composition
- Role of Chair, CEO and Secretary
- Board Committees
- Tasks of the Board
- Effective Meetings
- Governance Tools

The members commented that, although the training was very informative, it needed to be more tailored to suit the AORC needs.

4. Remarks of AOMA President

Dr Tjipilica expressed gratitude to those responsible for organising this meeting and the launch of the AOMA History Book. Five issues were raised to be addressed:

- The appointment of staff for the Secretariat:* this is a concern, especially since it has been 2 years since the launch of the Centre. The Chair indicated that a Director will be appointed with the Board’s approval;
- Better translation and interpretation facilities for the meetings:* French-speaking members could not meaningfully participate in the IoD training. Documents also need to be translated into Portuguese and Arabic. Professional simultaneous

interpretation facilities were arranged for the second day, and will be ensured for forthcoming meetings;

- iii. It is vital that an *Audit Committee* be appointed for the AORC. The Chair supported this.
- iv. There should be a *hospitality and welcoming party* for members who travel from far for these meetings. The Chair undertook to ensure that the Secretariat receives the necessary support from the OPP through an International Relations official. Representations are being made for DIRCO to recognise AOMA as an International Organisation. A Protocol will be drafted to deal with Ombudsman travel and accommodation;
- v. *A visit to the AORC offices needs to be arranged*: the Board undertook this at the end of the meeting.

5. Remarks by Dean of School of Law, UKZN

Dr Reddi welcomed the Ombudsman to UKZN, emphasising the prestige the UKZN's involvement with AORC and AOMA has brought to the institution. AORC will be one of the vehicles to realise the UKZN's vision to be a leader in promoting African scholarship. In 2014, the School of Law plans to launch an on-line Masters in Ombudsman Studies, which will be accessible throughout Africa. GIZ was thanked for their assistance on the AOMA History Book project. The School of Law and the DVC: Law and Management Studies (Prof John Mubangizi) will participate in the AORC's Research Project (A Comparative Analysis of Legal Systems).

6. Adoption of Minutes of Meeting held on 8 – 9 November 2012, Durban

The minutes need to be more detailed, and must be sent to the AOMA Exco. The meetings must be recorded with a transcription of discussions. The minutes were adopted.

7. Report by Acting AORC Director

The Acting Director's Report was adopted and is attached.

8. AORC Strategic Plan for Adoption

The Strategic Plan was adopted with amendments. The Chairperson will send through final comments to the Secretariat. Madam Traore underscored the importance of translating the plan into French.

9. Training Programme for Adoption

Dr Tjipilica commended the programme as it aims to meet the objectives of AORC. In response to a query from Mr Mthethwa, Dr Reddi indicated that the UKZN will explore the possibility of presenting the Masters Course in French. Mr Nadirwa indicated that the Language and Communication Course (3.3) should run for at least a fortnight. Corporate Governance was added to the Good Governance Training (3.6). The Training Programme was adopted with amendments.

10. Research Programme for Adoption

In response to Mr Kitshoff's query on the allocation of funds for a Review of the

AOMA Needs Assessment, it was proposed that funds should be provided from AORC. Dr Reddi recused herself so that the meeting could discuss the budget for the Comparative Analysis project. The funding was increased by 6%. A Jurisprudence research project was added, which will be a reference source of Ombudsman decisions in an electronic database form. A short project was added to study conditions of service and protocol in Ombudsman offices. This would be linked to issues of autonomy and effectiveness in carrying out the Ombudsmans' mandates. The Research Programme was adopted with amendments.

11. AORC Financial Report

Members were requested to study this, and discussion was deferred to a short meeting that will be held during the AOMA Exco meeting scheduled for 18 – 21 March in Luanda.

12. Operational Policy on Role & Functioning of AORC Relative to AOMA EXCO for Discussion

A communication and accountability arrangement between the AORC Director and the Chairperson needs to be elucidated. The distinction between the Executive Secretary of AOMA and the AORC Chairperson needs to be clearer. Further comments must be sent to the Secretariat for incorporation and adoption at the meeting in Luanda next month.

13. Concept paper for Governing and Advisory Boards for AORC for Discussion

Members can be paid a commission for attending meetings. Detailed Terms of Reference for the appointment of members must be drafted. Members from abroad should also be approached. The Board should be inclusive in terms of gender, race and language. The document was approved with amendments.

14. Any Other Matters

AORC Staffing: a proposal was presented for the appointment of Director: AORC.

Next meeting: March 2013, Luanda

ADV. T. N. MADONSELSA
CHAIRPERSON OF THE AORC BOARD
DATE: