



مركز بحوث الرقابيين الأفارقة

**African Ombudsman Research Centre**

**Centre de Recherche des Ombudsman Africains**

**Centro de Investigação da Provedoria de Justiça Africana**

## MINUTES OF 8th AORC BOARD MEETING

24 February 2014

Southern Sun OR Tambo

Johannesburg

South Africa

PRESENT:

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

MEMBERS: Dr Paulo Tjipilica (Provedor di Justica, Angola)  
Mrs Alima Traore (Mediateur du Faso)  
Mr Themba Mthethwa (CEO, OPP-SA)  
Judge Edmond Cowan (Ombudsman, Sierra Leone)  
Prof Managay Reddi (Dean, School of Law –UKZN)  
Mr Lesala Mofokeng (School of Law – UKZN)

OBSERVERS: Adv. Ishara Bodasing (Acting Director, AORC)  
Mr Risenga Maruma (OPP-SA)  
Mrs Sylvie Ouedraogo (Office of Mediateur du Faso)  
Mr Pierre Ndagirwa (Office of Provedor di Justica, Angola)  
Mr Ruan Kitshoff (GIZ)  
Mr Manuel Da Costa (Office of Provedor di Justica, Angola)  
Mr Placido Van Dunem (Office of Provedor di Justica, Angola)  
Ms Albertina Santos (Office of Provedor di Justica, Angola)  
Ms Yvelise Bettencourt (Office of Provedor di Justica, Angola)  
Ms Busisiwe Jele (OPP-SA)  
Mr Ahmed Eltigani Elgaali Khalid (Ombudsman of Sudan)  
Ms Siphokazi Sigenu (OPP-SA)  
Mr Minkailu Sama (Office of the Ombudman, Sierra Leone)  
Mr Franky Lwelela (AORC)  
Ms Susan Foley (AORC)

## 1. Opening and Welcome

On behalf of the people of South Africa, the Chairperson, Adv. Thuli Madonsela, welcomed Dr Tjipilica, Mrs Traore and all other Board Members and expressed her hopes for a fruitful meeting.

Upon a Quorum being established, the meeting was said to be properly constituted and in session.

In her welcoming address, the Chairperson expressed her joy at having all Board Members present and encouraged them to enjoy South Africa, the EXCO and the Summit. She explained that despite an initial resolution taken in Ouagadougou, Burkina Faso in June 2013 to hold the next Board Meeting in Cape Town, the venue had been changed to Johannesburg following a written request by the Secretariat to do so in an attempt to be more economical, despite the fact that AORC funds have not been exhausted.

The Chairperson subsequently apologized for any inconveniences Board Members might have suffered as a result of changes that had been made to earlier version of the programme that had been circulated by the AORC staff without her approval. She cited the example of Adv. John Walters who, as a result, had chosen to absent himself from the week's activities.

She reminded Board Members that she would be meeting with DIRCO in the coming weeks to report back on the extent to which the AORC Strategic Plan has been implemented.

The Chairperson concluded her welcome by thanking all Board Members for their contributions.

## 2. Apologies, Additions to and Adoption of Agenda

The Acting Director of the Centre, Adv. Bodasing, confirmed that no apologies had been received.

The Chairperson took a moment to apologise that the Centre still has no Director. She briefly explained that the position had been offered to 2 candidates who had subsequently refused the post. Despite re-advertising the post, no suitable candidates had been found. The OPP-SA is once again in the process of recruiting a senior, high-calibre person to hold this position.

No additions were made to the agenda and it was consequently adopted as presented.

### 3. Remarks by the President of AOMA

**Presentation:** Dr Tjipilica took this opportunity to express his gratitude to all those present: the Chairperson, all Board Members, the Acting Director of the AORC and other AORC members. He particularly thanked the Executive Secretariat of AOMA for hosting the meeting as well as for hosting the other events on the programme.

Dr Tjipilica then briefly highlighted the importance of AORC and its training programmes, especially in light of new Ombudsman offices being established, for example in Cape Verde. He expressed his excitement at the upcoming Lusophone training targeting officials from Ombudsman offices in Angola, Mozambique and now Cape Verde.

Dr Tjipilica congratulated the organisers of the meeting and thanked them for the warm welcome received at the airport and the hotel.

He concluded his remarks by thanking all who were present.

### 4. Remarks by Dean of Law, UKZN

**Presentation:** Professor Reddi began her remarks by offering her greetings to all present, especially to Dr Tjipilica, Mrs Traore and Adv. Madonsela. She emphasized the fact that she would be speaking as both the Dean of the School of Law at UKZN and as a member of the AORC Board.

She highlighted the active and instrumental participation of the UKZN School of Law in the AORC's recent Research Project. She reminded those present that the School had also been involved in the writing of the AOMA History Book and that it would be involved in the Research Project foreseen to take place in 2014. In addition, the School has been involved in past training programmes and would continue this involvement into the future.

Prof Reddi made it clear that the facilities of the School of Law were and are available to the AORC. She revealed that a School of Law review had taken place, and the work of the AORC was very well-received. The meeting was informed that Adv. Bodasing attended and had presented to the School of Law Board meeting, and had been positively received.

Prof Reddi then took the opportunity to explain that there are a number of publications emanating from UKZN, on a weekly, monthly and annual basis, and requested the permission of the Board to publish articles on AORC activities in these publications in the future. She reiterated that the School has happily provided resources, advice, facilities and guidance to the AORC and would like to continue to do so.

**Discussion:** It was at this stage that the Chairperson thanked Prof Reddi for her remarks and put the question to the Board as to whether the UKZN could be given permission to publish articles on AORC's activities through its media channels and if so, that a resolution be taken to this effect.

Mrs Traore was the first to respond, saying that before replying to the question, she would like to join Dr Tjipilica in thanking Adv. Madonsela for the organisation of the meeting. Mrs Traore went on to thank Prof Reddi for the support given to AORC from the School of Law, agreeing that the AORC needs more visibility and thanking Prof Reddi for the very welcome offer. Mrs Traore expressed her desire to know more details with regards to the resources offered by the School of Law to the Centre.

Dr Tjipilica then took the opportunity to comment on the proposition and to offer his suggestions. He requested clarification as to whether Prof Reddi's proposition included the publicizing of AOMA activities, such as international visits made by the office of the President, too. He requested precisions and also the means by which the publicizing would be done.

Adv. Madonsela concurred with Dr Tjipilica, reminding Board Members that AORC falls under AOMA and that therefore to publish information about both would be appropriate.

Judge Cowan took to the floor to express his abstention from the resolution, reasoning that since the University deals solely with the AORC, to give them this extra mandate takes them out of their bounds. Mme Traore also expressed concern that the University were being pressured to expand their initially proposed communication space.

Following persuasive arguments from Adv. Madonsela and Mr Mofokeng, Judge Cowan withdrew his abstention and the resolution was passed.

**RESOLUTION: UKZN given permission to publicize AORC and AOMA activities (moved by Mr Mofokeng, seconded by Mr Mthethwa)**

## **5. Adoption of Minutes of 7<sup>th</sup> AORC Board Meeting held in Luanda, Angola**

After apologising for the lengthy passage of time since the last Board meeting, the Chairperson asked the Board if they would like to make any changes to the minutes of the previous Board meeting. She herself requested that in future, those listed as "present" at the meeting should be divided into Board members and Observers for purposes of clarity.

In addition, she requested that in future the secretariat provides documents that were ratified on a round-robin basis to be circulated to the Board prior to Board meetings.

No other comments were given.

Professor Reddi moved the adoption of the minutes, which was seconded by Mr Mthethwa.

## **6. Report by Acting Director - AORC**

Before Adv. Bodasing, the Acting Director of the AORC, began her report, the Chairperson instructed that items 7 and 8 on the agenda be amalgamated with item 6 – that is to say,

that reports on training and research should be included in the Acting Director's general report on how far the Centre has coming in pursuing its Strategic Plan.

**Presentation:** The Acting Director commenced her report by reminding those present that the previous Board Meeting in Luanda had focused primarily on the financial situation of the AORC. The object of this report, she explained, was to highlight actions that have been taken in light of this as well as to articulate the successes of the AORC over the year and the challenges with which it is still faced.

With regards to the registering of the AORC, the Acting Director relayed the queries still being raised by the attorneys, such as unclear copies of Board Members' passports. She explained that the AORC auditors have offered to take on the responsibility of registering AORC for a fee of R13 000. She requested that the Board take a decision on whether or not to remove this matter from the current attorneys, considering that 2 and a half years had passed since the procedure was first initiated.

Referring to the AORC Strategic Plan, the Acting Director highlighted the Strategic Outcomes that would be fulfilled as a result of the African Ombudsman Summit: Strategic Outcome 4 (enhancing the positioning of the AORC through meetings and conferences) and Strategic Outcome 5 (coordination of operationalization of the Memorandum of Understanding between the AU and AOMA – specifically the provision regarding the recognition of AOMA as a Pan African institution dedicated to the promotion of good governance).

The Acting Director then took the opportunity to formally introduce the AORC interns to the Board Members, explaining that they had been serving as members of staff since 1 April 2013 and that their internships had been extended for a further six months, until the end of September 2014.

The Acting Director went on to give feedback on the recent training initiatives rolled-out by the AORC, namely:

1. Pilot Ombudsman Training, carried out in French for the first time, in Lusaka, Zambia in November 2013, which trained officials from Benin, Burundi, Burkina Faso, Chad, Djibouti, Cote D'Ivoire, Niger and Tunisia.
2. Sharpening Your Teeth, carried out in English, in Lusaka, Zambia, in November 2013, which trained officials from Ethiopia, the Gambia, Kenya, Lesotho, Malawi, Sierra Leone, Sudan, Tanzania, Uganda, Nigeria, South Africa and Zambia.
3. Sharpening Your Teeth, carried out in French, in Lusaka, Zambia, in November 2013, which trained officials from Benin, Burundi, Burkina Faso, Chad, Djibouti, Cote D'Ivoire, Niger and Tunisia.
4. Train the Trainers, carried out in English, in Durban, South Africa, in February 2014, which trained officials from Botswana, Lesotho, the Gambia, Malawi, Namibia, Sierra Leone, Tanzania, Uganda, Zambia and South Africa.

In all instances, she made specific note of the high-levels of participation by the trainees and the positive feedback received.

The Acting Director revealed that plans to roll out the Pilot Ombudsman Training in Portuguese had been stalled by the search to find a suitable trainer. Similarly, negotiations with the Office of the Ombudsman of Portugal, who had expressed their willingness to conduct the training, had been stalled by the Ombudsman of Mozambique revealing that he no longer has sufficient staff to send for the training.

Other feedback on training given was that the Masters in Ombudsman Studies has been postponed; training collaboration with the IOI is potentially on the horizon; and that CHRAGG in Tanzania had rolled out a training programme without any knowledge or involvement of the AORC or AOMA, AORC's response being to send a letter to Mrs Sokoni as the head of IOI Africa requesting that future training initiatives in Africa include the participation of the AORC.

Moving on to feedback on AORC's Research Projects, the Acting Director was proud to announce the recent completion of AORC's second major Research Project: a Comparative Analysis of Legal Systems within AOMA. The project was carried out with the aim of prompting the development of normative standards for AOMA Ombudsman Offices. There being full English copies of the report, as well as French copies of the Executive Summary, beside the Board Packs of all Board Members present, the Acting Director took the opportunity to briefly run through the research methodology of the paper as well as its major themes (constitutional provisions of Ombudsman offices, their enabling legislation, its mandate and focus – amongst others).

It was announced that the AORC's next Research Project would investigate the enforceability of Ombudsman's decisions and that the Terms of Reference had already been shared with Prof Reddi in her capacity as Dean of the School of UKZN, with a research team in the process of being assembled.

The Acting Director updated those present on the latest AOMA Newsletter that the Centre had recently published, already in its sixth edition. She then informed the Board that an article about the AORC had been published in the UKZN Touch glossy magazine as well as in other publications. In addition, advertorials were placed in the 10<sup>th</sup> African Union Journal and in 'One Voice, One Africa' – a publication of the Pan African Parliament.

With regards to the Centre's online presence, the Acting Director was again proud to announce that Facebook and Twitter accounts have been set up and that the website is being actively updated. She encouraged those present to send their latest news, events and reports to be included on the website.

The Acting Director also shed some light on the extent to which the Centre received some visibility at an Ombudsman Colloquium held in Kenya, where she was invited to present a

paper in her capacity as Acting Director of the AORC and took the opportunity to network with those present. As a result of this networking, a Kenyan delegation, led by the Ombudsman Commissioner Otiende Amollo himself, paid the AORC a visit in Durban and proposed that the colloquium be an annual event.

In conclusion, the Acting Director thanked the Board Members for their contributions and commitment to the Centre. She made special mention of the staff at the Office of the Public Protector, Prof Reddi from UKZN, Mr Ruan Kitshoff from GIZ and Mr Pierre Ndagirwa from the office of the Provedor di Justica in Angola, for their continued support.

**Discussion:** The Chairperson proceeded to thank the Acting Director for her report and expressed her satisfaction that items 7 and 8 of the agenda had indeed been included in item 6. She subsequently opened the floor for comments and questions by Board Members.

Prof Reddi began by explaining the postponement of the Masters in Ombudsman Studies mentioned by the Acting Director, revealing that the University has placed a moratorium on all new programmes, but also that it is anticipated that it would be over shortly. She took the opportunity to propose that the Masters syllabus be amended from comprising 4 courses plus a 50% Research Project, to comprising more professional-focused modules with 25% or less of the entire Masters programme being allocated to a Research Project.

Mrs Traore expressed her support of this suggestion, which she deemed pertinent, and said that it was good that the professional side of the Masters was being emphasized.

Dr Tjipilica then took to the floor, dealing first with the issue of AORC's registration: he stated that the presence of all Board Members ought to be taken advantage of in that copies of their passports could be made while they were all together in Johannesburg. He stressed the importance of having the timeframes of training communicated to all AOMA offices well in advance so they can ascertain whether or not they can send staff members to be trained and also so that feedback on the proposed trainings could be given. He then inquired as to the Portuguese training, wanting the approximate dates that it is foreseen to take place on.

The Chairperson, in a brief response to Dr Tjipilica, agreed that there should be a year plan of AORC training on the website – something that had been agreed to at the previous Board meeting - and that this programme should be structured and unwavering, like an online faculty, not ad hoc.

Mrs Traore then gave her feedback on the Acting Director's report. She began by saying that she had attended the French Sharpening Your Teeth training in Zambia and was disappointed that other Francophone Ombudsman from AOMA did not attend with their officials. She made it clear that she is of the opinion that the Ombudsman themselves should oversee and support all trainings that take place. She said she had been very pleased to see so many French participants in Zambia and that the ambience of the training was

extremely positive. She revealed that she had, in the past, felt like only the Anglophone members of AOMA had been catered for but now felt like the Francophone members were true members of AOMA, too. She declared that the language barriers within the Association should not detract from the common interests and goals held between its members. She thanked the Acting Director for facilitating these trainings in collaboration with the IOI, which, she stressed, are crucial in the strengthening of AOMA.

Mrs Traore went on to share her views on the IOI training that had taken place in Tanzania without the knowledge or support of the AORC, saying that it must have been the result of a serious lack of communication as it is unfathomable that a training of African Ombudsmen would take place without the knowing or involvement of the AORC. She said that this needs to be avoided in the future.

The Chairperson thanked Mrs Traore for her contribution and commented that the relationship between the IOI and the AOMA needs to be regulated as per their MoU. She then stressed that the minutes reflect the discussions in detail as opposed to one or two lines.

The Chairperson then enquired as to the whereabouts of the amended AORC Strategic Plan that had been signed off in February 2013, stressing that in the light of the upcoming Audit of the AORC, it is crucial that all activities had been done in alignment with the timelines and priorities of the Strategic Plan. Uncertainty arose as to whether notes submitted by the Chairperson had been received by the Acting Director and it was ultimately decided that all hard copies of the Strategic Plan with the Chairperson's comments on them, in the possession of the Acting Director, would be sent back to the Chairperson.

In the light of these discussions, a resolution was taken:

**RESOLUTION: Future AORC Secretariat Reports should be submitted as per the Strategic Plan and its timelines (moved by Prof Reddi and seconded by Mr Mthethwa)**

Following this, the Chairperson further requested the Board to endorse her request that she devolve the management of the Centre to UKZN. Prof Reddi, in response, requested that a formal meeting between the Chairperson of the AORC Board and Senior Management from UKZN be held, so as to eliminate any grey areas concerning what this decision would practically mean for the University.

The Chairperson agreed with Prof Reddi's proposition and highlighted that this would mean that the University would report on the activities of the AORC in writing. She expressed her concern that the Centre would lose its funding from DIRCO due to underspending. She stressed once again that the Centre needs an online faculty and that the University would be well-placed to supervise it. The Chairperson mentioned that the MoU between the University and the Centre would need to be looked at, and that the AORC funds need to be

transferred to the UKZN Cost Centre, to which Mr Mthethwa stated that this could be facilitated shortly.

The Chairperson recommended that there be at least 2 board meetings per year, in which case there should be one meeting with herself as Chairperson before the board meeting so that new issues are not raised at the level of the board. She stressed that the day-to-day management should be done by the UKZN based on a Strategic Plan approved by the PPSA, AOMA and DIRCO. The Chairperson expressed her hopes that this resolution would be in effect by 1 April 2014. She then thanked the Acting Director for her efforts and for the organization of the Summit, which would augment the Centre's targets in terms of delivery on the Strategic Plan and serve as a vehicle to bring together the AOMA family.

Thus, the following resolution was taken:

**RESOLUTION: The management of the AORC is to be handed over to the University of KwaZulu-Natal (moved by Prof Reddi and seconded by Mr Mthethwa)**

Prof Reddi took the opportunity to reiterate how closely the School of Law is already involved with the AORC and the extent to which she is proud of what the Centre has achieved. She commended the interns of the Centre, who she called absolute credits to the AORC. She highlighted just how much work the 3-person AORC team had achieved, despite being so small in number.

The Chairperson agreed that the work of the Centre was commendable. She went on to say that her request is that there is a programme to which the Centre is accountable, something which is very important in governance and that DIRCO will expect. She mentioned that she had requested to the Acting Director that there be a weekly report, but that what she had received had only been transactional.

Judge Cowan then inquired as to whether or not the Strategic Plan for the AORC had been adopted. The Chairperson responded that indeed it had, but with amendments that were not indicated in detail in the previous minutes, despite the Chairperson's request at the last meeting that the minutes reflect exactly who said what. The Chairperson at this stage requested that, in the future, AORC Board minutes reflect a detailed record of who said what and the narrative of the meeting.

She went on to say that the Strategic Plan that was submitted to the South African Department of International Relations and Cooperation would be the one that the Centre and its Board Members would be held accountable to and based upon which funding would be obtained.

The Chairperson requested that the Board ratify the Strategic Plan as presented and that the Secretariat correct the cover page so that it no longer says 'November'. The Chairperson asked the Board Members if they would be prepared to accept the Strategic Plan as per

what was approved in February 2013, withdrawing her request for the changes she had asked for in the interest of good governance Judge Cowan responded that there is nothing stopping the Board from making changes once the Strategic Plan is adopted.

### **RATIFICATION: Of AORC's Strategic Plan (moved by Judge Cowan and seconded by Prof Reddi)**

The Chairperson requested again that the cover page be changed and that it be signed and initialled so that all know which version is the correct version.

#### **7. Training Programme for Noting**

See item 6.

#### **8. Research Programme for Noting**

See item 6

#### **9. Audited Financial Reports**

The Acting Director began this item on the agenda by reminding those present that the Financial Statements had been circulated to all Board Members in Ouagadougou, Burkina Faso, in June 2013. Considering that all Board Members had had access to these statements for over 7 months, the approach taken by the Acting Director was to give the floor to the Board Members, for their questions and comments.

Mrs Traore requested a summary of the financial documents from the Acting Director, expressing her desire to better understand what comes in and what goes out of the AORC coffers on an annual basis, emphasizing the importance of being at ease with the finances of the Centre as a Board Member, as it is a heavy responsibility.

The Acting Director obliged, giving a broad overview of each financial statement, which went as follows:

For the financial year 2010/2011 – year closed with R1,5 million in reserve. The Centre was launched but not yet operational.

For the financial year 2011/2012 – year closed with R900,000 in reserve. Expenditure was 2 salaries, publications, interpretation services, travel to EXCO and Board meetings, advertising and rental at UKZN.

For the financial year 2012/2013 – R7, 1 million was received from DIRCO. Expenses were salaries, meetings, advertising, rentals and training courses.

For 1 April 2013 – 31 December 2013 – R5,8 million in reserve, not taking into account the 3 trainings held in November and February, nor the Summit. The current balance should therefore be around R2 million.

Mrs Traore inquired as to the contribution made by the IOI at the Lusaka training, to which the Acting Director replied that the IOI had supported the business class travel and accommodation of the Ombudsman of Ontario and his two colleagues for the period of 1 week. The Acting Director also acknowledged the contribution made by the Investigator General of Zambia for the conference facilities.

The Chairperson took to the floor again, stating that when it comes to financial statements, both underspending and overspending are problematic, which is why weekly reporting on progress and implementation of the Strategic Plan is so important. She then commented on the lack of AORC branding at the Lusaka training and suggested that a consistent branding policy be implemented at all AORC organized and sponsored events, for example branding on the certificates, training material and banners. The Chairperson then led the adoption of the AORC Financial Statements.

Dr Tjipilica then enquired as to whether the AORC still has the means to conduct training, and requested clarity as to whether the figures given had been in Rands or Dollars, to which the Chairperson replied that \$3 million had been allocated to the AORC, but due to the weakening of the Rand, the Dollar equivalent had decreased. She confirmed that the AORC still has means to conduct training programmes. However, the Chairperson stated that it was unlikely that DIRCO would increase AORC's budget due to underspending. She mentioned that the moving of the Summit from Cape Town to Johannesburg contributed to the underspending.

Dr Tjipilica then asked as to whether the Portuguese training would take place in 2014. The Acting Director replied, reiterating that negotiations had taken place with the Ombudsman of Portugal to conduct the training and that they appeared to be suitable candidates, having rolled out similar trainings themselves before in Portugal. She then repeated that the main setback in rolling out the training was that the Mozambican Ombudsman had very recently stated that he could no longer send 10 officials to be trained, being severely understaffed and awaiting remedial action from Parliament. The Acting Director indicated that she would discuss this matter with the Ombudsman of Mozambique at the Summit.

The Chairperson then took to the floor, saying that trainers should no longer be sought on a case-by-case basis, but rather, that a virtual faculty be present on the website, similar to the methodology used by PI and GMSI. She elaborated, saying that permanent trainers should be advertised for and, if appointed by the panel, that they indicate what periods of the year they would be available to conduct training. This would then be a fixture on the AORC website. She then proposed a resolution to this effect:

**RESOLUTION: That the virtual faculty of training be established by the end of March 2014 (moved by Mr Mthethwa, seconded by \_\_\_\_\_)**

The Chairperson concluded this item on the agenda by thanking the Acting Director and Thando. She mentioned that a book-keeper ought to be appointed at the Centre as the financial unit at the Office of the Public Protector is overburdened.

### 10. Operational Policy for Adoption

The Chairperson commenced this item on the agenda by saying that the Operational Policy document was being presented to the Board for adoption, but that she could not see the amendments reflected in it that were made on an earlier draft – for example, that she does not sit on the Board as an Executive Secretary. She expressed concern over Page 6, questioning how a Secretariat could report to a Secretariat. Instead, she said, the secretariat should report to the Board Chairperson and the Chairperson to the Board. She went on to say, after being asked by Judge Cowan for more details, that a document that talks specifically about the governance structure of the AORC and how it relates to AOMA is needed.

Judge Cowan responded, saying that is AORC was created by AOMA, then that structure cannot be interfered with.

The Chairperson then made mention of the IOD model of a Board, which she felt would be useful to consult, and that the internal governance structure of AORC should be established before it is decided how it relates to its mother-body, AOMA.

Judge Cowan responded, saying that the Chairperson was wearing 2 hats – one as the head of the AORC Secretariat and one as the head of the AOMA Secretariat. He went on to say that the organization of the AORC should be an internal matter. In addition, he stressed that a document could not be up for discussion and up for adoption simultaneously – that an organogram should be brought to the board once it has been finalised.

The Chairperson agreed that there was role confusion present in the governance structure at the AORC – for example that the Centre tends to want to speak directly to each Board member - and again mentioned the IOD as a potential tool for clarifying this confusion. She stated that she would be leaving this issue to Prof Reddi and Mr Mthethwa to resolve. The Chairperson then asked Dr Tjipilca for his comments.

Dr Tjipilca began by reminding all those present that the Centre is provided for in the AOMA structure. He expressed his satisfaction with the running of the Centre up until now, commending it for the initiative it takes and that the Centre and AOMA need international recognition, even at the level of the United Nations. He stated that their needs to be a harmonisation of what is provided for Anglophone, Francophone and Lusophone AOMA member countries. He said that the Board members need to keep abreast of the activities of

the Centre so as to improve the work that is put into practice in AOMA offices. He then thanked Judge Cowan for his observations.

The Chairperson took to the floor again, agreeing with Dr Tjipilica that a lot of good work is coming out of the Centre. She once again stated that the governance of the Centre needs to be worked out and said that it is important to pick up systemic and structural problems, as opposed to picking up problems on a case-by-case basis.

Mrs Traore then spoke, enquiring as to why the Centre still has no appointed Director. She stated that it is quite irregular that despite there being a decision that the Centre needs a Director, saying that there are numerous candidates from South Africa and other countries in Africa who would be able to head such a Centre. She enquired as to whether the reason for the lack of appointments was due to contractual problems, and if so that all present could work together to rectify these problems.

The Chairperson responded, saying that there were 2 reasons as to why a South African person had not been found to fill the position – firstly, the office had tried not to appoint a South African and secondly, the office was trying to find a bilingual person. She stressed that they were seeking to appoint a very high-level person. She revealed that the person to whom they had offered the post refused it on the grounds of not being given the diplomatic immunities they desired with the post.

It was at this stage that Judge Cowan spoke, saying that it was not fair to discuss this matter in the presence of someone who had applied for this position. The Acting Director was subsequently asked to temporarily leave the meeting room while the discussion continued. What followed was a lengthy discussion pertaining to the lack of appointment of a Director, which the Chairperson requested not be included in detail in the minutes.

**RESOLUTION: The Board will support the head-hunting of potential incumbents for the position of Director of the AORC, and be present on the panel of interviewers if possible, with the deadline for appointment being 31 March 2014. (Resolution moved by Prof Reddi and seconded by Judge Cowan)**

## 11. Advisory Board

At the prompting of the Chairperson, the following resolution was taken:

**RESOLUTION: Appointment of members of Advisory Board deferred until sufficiently lengthy motivations for their appointment submitted. Deadline 31 March 2014. (Resolution not explicitly moved or seconded by any Board members)**

## 12. Any Other Matters

The Ombudsman of Sudan, Mr Khalid, an observer at the Board Meeting, introduced himself to the Board, expressing his desire to work with the Centre in building capacity in his offices.

Dr Tjipilica responded, thanking the Ombudsman and reminding all those present that AOMA already has a positive relationship with the Sudan, thanks to Judge Abuzeid, a former Ombudsman of the country and an honorary member of the AOMA EXCO. He informed Mr Khalid that his formal presentation would take place at the AOMA EXCO. He welcomed Mr Khalid to the AOMA family.

Mr Mthethwa reminded the Board Members that a welcome reception would be taking place in the evening and informed them of the time and venue for the commencement of the Summit the following day.

The 8<sup>th</sup> AORC Board meeting was concluded by the Chairperson thanking the Secretariat and the interpreters.