



مركز بحوث الرقابيين الأفارقة

African Ombudsman Research Centre

Centre de Recherche des Ombudsman Africains

Centro de Investigaçao da Provedoria de Justica Africana

AORC ACTIVITIES REPORT JULY 2014 – FEBRUARY 2015

A. Introduction

This report provides an account of activities of the African Ombudsman Research Centre (AORC) since its last Board meeting of the 15 July 2014 in Durban South Africa.

This report provides not only an overview of actions taken in pursuit of decisions taken at the AORC Board Meetings, but also provides an account of activities, resolutions and initiatives of the AORC, in the process articulating the successes made and challenges faced.

B. The Secondment of Dr Forere as Acting Director of AORC

The then Acting Director's contract, Advocate Bodasing, came to an end at the end of May 2014 and it was not renewed for performance reasons and the difficulty which Advocate Bodasing posed to the Chairperson of AORC in managing her. Consequently, the Chairperson of AORC Board decided not to renew her contract. The subsequent gap in leadership posed to the AORC by Advocate Bodasing's departure, the AORC Board resolved to get a temporary replacement. As a result, the Law School seconded Dr Malebakeng Forere as acting Director of AORC for a period of six months effective from 1 July 2014 while recruitment processes are underway. Dr Malebakeng Forere was supposed to be seconded to AORC as acting director until 31 December 2014 but unfortunately terminated her contract with the University of KwaZulu-Natal with effect from 1 August 2014 serving three month notice, which came to an end on 31 October 2014 and since then the centre has been running without the services of a director.

C. Nomination of Prof John Mubangizi as AORC Board member

In its sitting of the 15th July 2014, AORC Board approved the nomination of Professor John Mubangizi in his capacity as DVC Law and Management College to be a board member to the AORC as required by the University policies.

D. AORC Registration and Handover to UKZN

The AORC has successfully been registered as section 21 Non-Profit Company in accordance with the South African Law.

Equally, the MOU transferring the management of the AORC to UKZN has been partially completed in that UKZN has done its part and the document is now with the chairperson of the Board of AORC for signatures.

E. AORC Strategic Plan

On 13 September 2014, AORC undertook review of its strategic plan. The event was held at Protea Hotel in Durban. In attendance were AORC Chairperson, Advocate Thuli Madonsela, AORC Acting Director, Dr Malebakeng Forere, Mr Maruma from PPSA, and Dr Paul Swanepoel from School of Law of the University of KwaZulu-Natal. The team could not finish the review in one day and it was recommended that the AORC Secretariat completes the review by coming up with strategic actions. The AORC Strategic Plan is scheduled to be reviewed before the 10th AORC Board meeting of the 18 February. Plans are underway to prepare for the meeting for the review of strategic plan; in particular, the Secretariat is awaiting the dates from the office of the Public Protector and the UKZN School of Law. .

F. AORC Training

After AORC has undertaken Ombudsman Pilot training for English and French speaking countries the Arabic and Portuguese trainings were still outstanding. Efforts have been made to carry the training for Ombudsman offices for Portuguese Speaking Country Members of AOMA, held from the 8 to 12 of December 2014 at the Centre. In total 14 Participants (10 from Angola and 4 from Mozambique), and 2 trainers from the office of the Ombudsman of Portugal took part in the training. The course commenced with a registration in the evening of Sunday, 07 December 2014 and concluded with an assessment on the 12 December 2014. Participants received Certificates after successful completion of the course.

On the AORC training plan, in view of its mandate to provide research and training to AOMA members, AORC has drawn a training programme which serves to assist AOMA members to select training courses that are responsive to their needs. The training programme has been informed by the needs assessment study that was commissioned by AORC and general Ombudsmanship practice. The training programme, was submitted to AORC Chairperson and she gave feedback that the times at which the programme is offered should span evenly across the year and not be dependent on University term-time. The programme was being revised, unfortunately with the departure of Dr Forere, it has not been finalized yet.

G. GIZ Assessment Study

GIZ, one of the funders of AORC, commissioned a review of AORC and engaged consultants from the University of Witwatersrand. The consultants met with stakeholders, including AORC Secretariat, to gather information on the operations of AORC in general. The close out workshop was held on the 24th October 2014 at the GIZ offices in Pretoria where the consultants presented their final report on the review of AORC. The consultants' report, established that AOMA members are generally satisfied with the work of the AORC although they feel that a lot more could have been achieved. In addition, AOMA members and other stakeholders emphasised the importance of AORC positioning within the University since AORC is a research institute. Nevertheless, the report indicated that the University has somehow taken a step back and abandoned the centre in respect of intellectual support. Further, the report showed that it does not seem as though AORC can sustain itself post current funding. Moreover, AORC leadership has been revealed to be problematic in that the functions of the Board are conflated with those of the secretariat and further AORC leadership is conflated with AOMA leadership.

It was therefore recommend that the University should give intellectual support to AORC. It goes without saying that the university should be having sustainability plan post current funding. Also, the report recommended clear demarcation of AORC leadership and AOMA leadership as well as AORC Board functions vis-à-vis AORC secretariat.

H. AORC Staffing

The staffing crisis at the centre still persists. At the moment, the Centre only operates with one intern, Mr Lwelela with the help of staff from the public protector office. Nevertheless, a memo seeking adoption of the AORC organogram that was drafted by Dr Forere, and the approval of the Board to advertise and staff the Centre has been drafted and sent out to the Board members to approve on a round-robin basis.

Mr Lwelela's contract ends on the 31st of March 2015. The AORC Board recommended that Mr Lwelela be appointed on a substantive basis during its meeting held on 15th July 2014 in Durban. However, the yet to be finalised MOU between UKZN and PPSA stands in the way. Until the MOU is signed and the funds transferred to the University, the above-mentioned problems will persist.

AORC SECRETARIAT