

AFRICAN OMBUDSMAN RESEARCH CENTRE

Director's Report

17th Board Meeting, 25th January 2018
Addis Ababa, Ethiopia

Since August 2016, AORC has been consolidating its core functions of training, research and information sharing. AOMA members have been cooperative with the IOI questionnaire and very receptive to the training. Administrative processes have improved and are aligned with UKZN policies and systems. The Strategic Plan 2016-21 and the Annual Performance Plan 2017-18 are consistent with AORC's Vision and Mission:

Vision: To be a Centre of excellence in Ombudsman studies and practice, and in providing support to the Ombudsman Institution in Africa.

Mission: To support AOMA by promoting Ombudsmanship, developing capacity and professionalism within the Ombudsman institution and generating quality knowledge and information in furtherance of good governance, the rule of law, and human rights.

AOMA had the foresight to establish AORC as the only Ombudsman research centre of its kind in the world. Its next task is to achieve agency status with the African Union. This will make the funding negotiations for AORC between the PPSA and DIRCO as well as outreach to other potential funders more compelling.

AORC was delighted to welcome Chairperson, Adv. Mkhwebane on 17 November 2017. She had the opportunity to review our working space and resources.

A. PROGRAMS

RESEARCH

The research promises to yield critical insight into best practices and rich paths for AORC to expand its work and impact. To date, AORC has leveraged regional training, Board meetings and other gatherings of Ombudsman to complete country research using the IOI Questionnaire and intensive personal interviews. ***Attachment A*** sets out the research conducted to date and plan. Analysis and drafting will be underway by May and peer review by October. (see ***Attachment AA*** for AORC Concept Note and IOI commitment.)

On 5 – 9th February 2018 the Ombudsman for Malawi is organizing (and found independent funding for) training on “The Role of the Ombudsman in Promoting Accountability, Ethics and Transparency in the Public Sector”. She has invited all African Ombudsman.

AORC is assisting the training in Malawi with French language translation. More important, AORC is using this opportunity to make a substantial push to complete the research interviews. Accordingly, AORC will support travel and accommodation to the Malawi training for up to 12 of the Ombudsman offices that we are not otherwise able to interview (due largely to postponement of the East Africa and Indian Ocean trainings).

For Board Decision: a Discussion Draft of the 2014 Comparative Analysis of Legal Systems was presented to the AOMA membership at the Johannesburg Summit 2014. Would the AORC Board like to ask AOMA to schedule a ‘Discussion Draft workshop’ of the current research at its upcoming General Assembly?

INFORMATION

Advertisement: The Public Protector of South Africa initiated and negotiated a favourable rate for AORC to advertise in the February 2018 edition of the magazine of South Africa Airways: Sawubona (circulation details **Attachment B**). The advertisement was designed thanks to the UKZN’s Corporate Relations Department and can also be used as a two-sided information flyer (first distribution during the concurrent AU Summit in Addis) (**Attachment C**).

Newsletter: the upcoming Newsletter is almost ready for translation and printing. The Public Protector is writing the current editorial.

For Board Decision: AORC requests Board Members to write brief (500 word) editorials in turn. We welcome two volunteers for the May and October Newsletters.

Social Media: presence and website (www.aoma.ukzn.ac.za) continue to be improved. Links on the website about items of interest are frequently emailed to AOMA members and others.

CAPACITATION

Indian Ocean Training: Ombudsman History, Evolution, “Omnisprudence” (postponed from October due to outbreak of the Plague in Madagascar).

Upcoming Training Schedule: Confirmed for March 2018 - AORC is offering training for the North African region in Djibouti. Theme: The Ombudsman’s Role in Peace-Keeping and Human Rights. Hosts have been confirmed for two regional trainings that were postponed from 2017: Uganda (East Africa) and Botswana (Southern Africa). (**Attachment D**)

Request for Expression of Interest in Training: Circulated to all AOMA members and known Ombudsman, Human Rights and Mediation trainers (for onward distribution). To date, responses have been received from four individuals.

Feedback from Ivory Coast training (February 2017) on the UN Optional Protocol to the Committee Against Torture. Until this training, the best metric for AORC’s impact has been: “numbers of participants trained”. This OPCAT training enabled AORC to develop additional metrics for the impact of its expenditure on training. The new metrics in this case are: how many

countries: (a) made commitments for specific follow-up actions; and b) actually fulfilled their commitments. (*Attachment E*)

Needs Assessment: AORC added to the IOI questionnaire a brief Needs Assessment – which gives us an ongoing understanding of AOMA training needs and priorities. (*Attachment F*)

ADVOCACY

UKZN Relations: AORC Board Chairperson and AORC staff attended the Induction of the new Chancellor of UKZN, Chief Justice Mogoeng Mogoeng. Adv. Mkhwebane joined the Academic Procession.

Orientation / Outreach Meetings:

US General Consul (USGC): S. Zalika Sykes, the new USGC and four of her team visited AORC on 27 November 2017 to discuss the evolution and operation of the Ombudsman institution as well as AORC's work. The USGC sponsors scholarly and cultural exchanges.

We had preliminary discussions regarding possible co-sponsorship of a Boston-based Train-the-Mediator Trainer (formerly from the Harvard Negotiation Program) through either the Speakers Program or the Fulbright Specialist Program of the USGC. (Ideally, we would like to train experienced mediators to become mediation trainers, with a view to a robust mediation training program during AOMA's next General Assembly.)

KwaZulu-Natal Provincial Ombudsman: The Chief Officer visited AORC in December 2017 to renew the relationship that was established some five years ago. At that time, the Provincial Ombudsman was included in training offered by AORC.

UKZN Ombudsman Office: The Chief Legal Officer /Administrator visited AORC to network. She indicated that the generic University Ombudsman Terms of Reference prepared in August 2017 by AORC for the UKZN Council was heavily relied on.

UKZN Research Office: Adv. Brock and Dr. Annie Devenish met with the University Dean of Research to discuss AORC compliance with the UKZN's Ethical Research Policy and to explore opportunities for: support from the Research Office, possibly: a sponsored Post-Doc student; assistance with accrediting courses; and with grant-writing. The Dean of Research is enthusiastic about working with AORC as our work aligns with two "flagships" of their Strategic Plan: Social Cohesion and Social Justice.

Materials:

Articles: the March 2017 Human Rights article and the (as yet unpublished) article on Women Ombudsman in Africa (both drafted by Dr. Annie Devenish) have been reformatted for general distribution.

Desktop Calendar: AORC has produced a 2018 desktop calendar (circulated to Board) and repurposed an old brochure for general distribution.

B. OPERATIONS

DIRCO

The Public Protector of South Africa is negotiating with DIRCO for funding for AORC.

Rent

On 7th December 2017 Dr van Jaarsveld (Vice-Chancellor), Dr. E. Malaza (Head of Institutional Planning and Governance), Professor Reddi (Dean of the Law School) decided that AORC's rent should be waived – given its prestige and continued alignment with the UKZN's transformative and research strategies. A follow-up meeting amongst Mr. Muzi Khumalo (Director, Infrastructure Planning and Projects), Professor Reddi and Adv. Brock confirmed that the rent waiver would be effective January 2018.

MOU

The MOU, effective 23 February 2015 between AOMA, through the Public Protector of South Africa, and the UKZN was for a three year period. (***Attachment G***). Section 15 provides for extension of this period, modification or amendment of terms in writing by the Parties.

For Board Decision: does the Board wish to make recommendations to AOMA EXCO for extension, modification or amendment?

Audit Quotes

AORC has sought audit quotes from five firms familiar with UKZN's financial structures and processes. We are unable to engage the two large firms approached for quotes. One has a conflict due to internal audit work for UKZN. The other indicated that – due to increased scrutiny on the large firms for work entailing (a) politically exposed persons and (b) requirements of the Public Finance Management Act – it would likely be less costly for AORC to engage a smaller firm. AORC is waiting for audit quotes from three smaller firms.

Process going forward: the engagement contract for an auditor must be reviewed by the UKZN's legal office before submission to the AORC Board for signature.

Financial Reports

For Board Approval:

Strategic Plan 2016-21 and APP 2016-17 Attachment H: presented to Board at its February 2017 meeting. Reformatted to align with the DIRCO proposal.

Annual Performance Plan 2017-18 Attachment I: presented to Board at its September 2017 meeting. Reformatted in the SA Government template.

For Information:

Financial Report Attachment J: for the three quarters ended 31 December 2017.

Respectfully submitted,
Adv. Arlene Brock
Director, AORC