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EDITORIAL COMMENT

Silencing the Guns: The Role of the African Ombudsman

With all its richness in natural resources spanning from Cape to Cairo, Africa remains one of the most poverty-ravaged and conflict-ridden continents in the world. The fact that almost eight of the 15 United Nations peacekeeping missions are in Africa speaks volumes to the situation at hand. The prevalence of armed confrontation on the Continent led the African Union in 2013 to pledge not to bequeath the burden of conflict to the next generation of Africans and to end all wars by 2020 through its resolution encapsulated in ‘silencing the guns by 2020’.



Hon. Martha Chizuma
 Ombudsman of Malawi

The United Nations recently endorsed that commitment on 27 February 2019, when the Security Council unanimously welcomed the African Union’s “determination to rid Africa of conflicts and create conditions favourable for the growth, development and integration of the continent”.

While the African Union can claim some successes in this regard, with just a year to 2020, gun sounds on the Continent continue to grow louder. Conflict continues in countries like Burundi, Central African Republic and the Sudan and in recent times, we have seen some troubling situations arise in countries that have long enjoyed peace, like Malawi following the recent May elections.

This should bother any well-meaning African citizen, and is even more worrying for the African Union because any conflict situation is retrogressive to the development agenda of the Continent. It will take the African countries themselves, and the African Union in particular, to make maximum use of all its relevant institutions to ensure conflict-free countries and Continent. The Ombudsman institution becomes one of the institutions of choice in promoting peace in Africa because while most institutions focus their efforts on peace building after the fact, effective use of the Ombudsman institution, which is well proliferated in Africa, could actually prevent the conflict from happening in the first place. Even in post-conflict situations, the Ombudsman can be used to ensure the establishment of lasting structures and systems to prevent any reoccurrence.

It is general knowledge that conflicts are not a product of a day’s events. Conflict situations arise when a group of people

within a particular society are left to the periphery of the political, economic and social processes and discourse, thereby leaving them discontented, discriminated against and subjected to all kinds of injustices. When this situation is not well handled, such feelings can escalate to uprising and other forms of physical display of anger, as we have seen in the Sudan and recently in Malawi. It is a well-known fact that poverty, deprivation and unjust and irresponsible governance have been the main drivers of Africa’s conflicts. It is within this context that the African Ombudsman, through the daily work of handling complaints from disgruntled pockets of society and providing remedies for the same,

promotes good governance, tackles poverty and deprivation and fosters public trust in government and political leaders. This goes a long way in preventing conflicts and, therefore, silencing the guns.

During a conflict, the Ombudsman institution in Africa can play a big role in mediating between the conflicting sides. Due to the specific attributes of the institution, the main ones being its independence from any government interference and flexibility in its approach to issues, there is an urgent need for an enhanced role for the institution in conflict areas if the Continent is to achieve its aspiration of silencing the guns. The African Ombudsman, through AOMA, has expressed its commitment to the people of Africa to do so, by adopting the same strategic goal in the Strategic Plan for 2019-2023, recently adopted by its membership in Kigali, Rwanda in November 2018.

The commitment to silence the guns on the Continent by African governments is commendable but the same cannot and should not be just a paper commitment. There should be deliberate action taken by the countries themselves and the African Union to achieve this. The offer by the African Ombudsman body in this regard should, therefore, be welcomed by all governments and the African Union itself. We owe it to our beautiful Continent and to the future generations to come. It is time to silence the guns.

Martha Chizuma
 Ombudsman Malawi

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MESSAGE FROM THE PRESIDENT OF AOMA (PPSA)

The Africa We Want is Possible to Realise if We Work Hard Enough

As we celebrated Africa Day on 25 May, I could not help but reflect on the ambitious Agenda 2063: The Africa We Want development plan and how hard we, as Ombudsmen and Mediators, ought to work to help the Continent to realise this dream.

Africa Day is observed annually on 25 May to commemorate the birth of the forebear of the African Union (AU), the Organisation of African Unity (OAU) in Addis Ababa, Ethiopia 56 years ago.

Some of the aims of the OAU at inception were to foster political and economic integration among member states and to flush colonialism in its various manifestations out of the Continent.

In 2063, it will be exactly 100 years since the founding of the AOU by about 32 African nations in a move spearheaded by visionaries such as Mr Kwame Nkrumah of Ghana.

This leaves us with 44 years within which we have to toil to ensure that when the AU celebrates its centenary, we bequeath to future generations a continent that can hold its own against its global counterparts.

The aspirations of Agenda 2063: The Africa We Want are much broader than those dealing with good governance, democracy, respect for human rights, justice and the rule of law, as well as peace and security, which fall squarely within our terrain.

There are other equally crucial aspirations, including the need for a prosperous Africa based on inclusive growth and sustainable development; an integrated continent that is politically united and based on the ideals of Pan-Africanism; and a continent with a strong cultural identity, common heritage and shared values and ethics.

To be blunt, this is a very ambitious plan. But to truly appreciate what realising these aspirations could mean for our Continent, we need to look no further than an email penned by the previous Chairperson of the AU Commission, Dr Nkosazana Dlamini-Zuma and addressed to Mr Nkrumah.

It's a correspondence that is ahead of its time. It astutely reads as though it was written and sent to Mr Nkrumah in January 2063, reporting to him on the impressive progress



registered in bringing to fruition the Africa that he and his contemporaries envisioned at the time of the founding of the OAU.

Above all, the email not only rallies all of us to unite behind this dream of the Africa We Want, it also inspires us to work harder and believe that all these aspirations are not merely a pie in the sky, as pessimists are likely to dismiss it, but rather a dream that is feasible if all of us as Africans work hard enough towards its attainment.

For instance, Dr Dlamini-Zuma writes in the email that:

"... the African Express Train now connects all the capitals of our former states (because Africa is now one big country) ... it is not only a high-speed train with adjacent highways but also contains pipelines of gas, oil and water as well as ICT broadband cables ..."

"Kiswahili is now a major working language and a global language taught at most faculties across the world ... our grandchildren still find it funny how we used to struggle at AU meetings with English, French and Portuguese translation ..."

I don't know about you but I, for one, am inspired. I can see this Africa that we yearn for. I can almost smell and touch it. I call on each and every single one of you to take a moment and imagine this beautiful Africa that Dr Dlamini-Zuma proudly chronicles in the correspondence to Mr Nkrumah.

At the very least, this email to Mr Nkrumah should spur us on as Ombudsmen and Mediators to redouble our efforts individually, in our respective countries and as a collective to help work towards this Africa that we want.

It is not going to be easy, though. We will face untold difficulties, including resistance, lack of political will and resource constraints, among other things. However, we should not despair. Let us draw inspiration from desired end goals and picture our grandchildren and their offspring inheriting a better Africa that is alive with possibilities.

Happy belated Africa Day!

Adv. Busisiwe Mkhwebane
President: African Ombudsman and
Mediators Association

In Celebration of Women

Article by Adv. Arlene Brock and Dr Annie Devenish

1. Women Wielding Justice: How Africa's Female Ombudsman are Redefining the Role



L-R: Hon. Tirant-Gherardi of Seychelles, Hon. Chizuma of Malawi, Hon. Kajuju of Kenya, Hon. Sérémé of Burkina Faso, and Hon. Mkhwebane of South Africa.



President of AOMA Hon. Mkhwebane (middle), with Mrs N'guessan-Zekre Suzanne of Cote d'Ivoire on the left, and Mrs Ingy El Charnouby of Egypt.

The face of leadership in Africa is changing; from Parliament to the boardroom, women are becoming more visible in positions of power. In the field of Ombudsmanship too, women are beginning to make their mark. Today, 10 out of the 46 national Ombudsman on the Continent are women. The nature of the Ombudsman role often attracts persons – female and male – with prior careers in social justice. Over and above this, however, women can find in their traditions, socialisation and the nature of the Ombudsman institution itself, the strength and skill to wield justice and contribute towards nation building. The AORC team spoke to some of these current women Ombudsman to learn more about what they felt they were able to bring to the role.

Approachability and Affinity

Three of the key characteristics any good Ombudsman must possess include accessibility, independence and effectiveness. Effectiveness entails bold, impartial and practical approaches to complaints; being flexible, credible and agile in the navigation of the levers of power and the crafting of remedies, all while adhering to scrupulous due diligence.

One of the things that was striking about the women Ombudsman we spoke to was their affinity with the experiences and struggles of other women. This is not an assertion of a biological imperative. Rather this is a recognition that women generally face layers of socialisation

and challenges beyond those experienced by men, even in the same socio-economic class. Accordingly, female Ombudsman are more likely to listen and be attuned to gender discrimination and disempowerment that may underlie the complaints brought to them by women. In the words of the Hon. Florence Kajuju, Chairperson of the Kenyan Commission on Administrative Justice; *"Men get to the more senior levels. But our motherhoods, our position as women ensures that we connect easily. We are able to relate to them. In my growing up I've also suffered. My response to their needs is more practical, it is more sensitive."* Expressing the same sentiments, the Hon. Martha Chizuma, Ombudsman of Malawi, notes, *"As a mom it's easier to connect and identify with some of the things that another woman would be going through...When a woman is in a position it brings another touch that is more people friendly"*.

Affinity appears to influence not only the Ombudsman's but also the public's perceptions of the approachability of the institution. People usually come to the Ombudsman with at least two layers of complaints: the underlying administrative issue as well as how they were treated by government officials in trying to get the issue redressed. It is usually the disinterest or indignity of the latter that drives complainants to the Ombudsman. As the Hon. Nichole Tirant-Gherardi, Ombudsman for the Seychelles, emphasises *"Every complaint that comes into my office has been more or less kept and dealt with by the Office. There's been*

very little where I've said 'this is not for me.' On the one hand if a person has gone out of the way to complain there must be some substance to that complaint. Although the complaint may not be fully justified there is a perception that something has gone wrong and I want to know what that is and how to prevent this misperception from happening again".

It is important that the public feel that the Ombudsman is approachable and will not replicate the elite, disempowering bureaucracy that they are complaining about. As Victor Ayeni notes, this is especially the case for women who form the bulk of the illiterate, poor, rural population of the Continent, and who are less likely to have access to other redress mechanisms.

Mediation and Relationship Building

Although both male and female Ombudsman are mandated and committed to resolving complaints, it may well be that for women, their lifetimes of overcoming hurdles prepare them to build and strengthen the 'muscles' of problem-solving and getting tasks done. Generally, women leaders in Africa have to be fearless in recognising problems and willing to take on the hard tasks involved in finding solutions. "Female Ombudsman generally will be more empathetic and will be willing to take more risk in certain cases... They come from a background where they are already being sidelined and discriminated and have to work twice as hard, ten times as hard for recognition," stressed the Hon. Caroline Sokoni, Public Protector of Zambia.

Women Ombudsman also need to exercise wisdom to understand when best to issue hard-hitting Ombudsman reports or when to exert (softer) powers of mediation and relationship building. Within their social, family and community contexts, there is some evidence that women are more invested in leading through cooperation and consensus, which places greater emphasis on the qualities of fairness, open-mindedness and neutrality. Consistent with the principles of Ubuntu, women in many African traditions are vital builders and curators of relationships within their communities and have played leadership roles. This socialisation could have implications for the way in which women Ombudsman operate, and the skills they are able to bring to bear in their role as Ombudsman.

Getting things done through relationship building and mediation is well illustrated by the experience of the Hon. Nichole Tirant-Gherardi. She started off in her post with a more adversarial approach: "When I came into the Office I was seen as part of the opposition... It was like a label stuck on my shoulder. Suddenly now I had this power – before I could only criticise, and this is when I started bullying everyone

really. That meant that shields went up". She then started focusing on improving communication with ministries and civil servants, framing her work more in terms of quality management and began to see a change in the way the bureaucracy responded to her: "I started to explain to them where I was coming from. It's the perception that you have done something wrong. [Instead you go back and have a] proper conversation – explaining things – then I started to see a shift. Framing it as quality management."

Being Boldly Independent

Women Ombudsman have to be bold to exercise their independence. Describing her engagement with senior bureaucracy, Hon. Caroline Sokoni explained, "From the beginning they expected me to just keep quiet and do what I was told. I went to them and said it is not acceptable to treat the Office in this way. They then called me to a meeting where there were 10 men. They talked down to me and told me 'you will accept this and that' and I stood up to them."

Being bold in the role of leader involves creativity in getting around obstructions, sometimes intended to clip women's wings, strategic risk taking and stealth-like use of their decision-making power. An ability to address the changing needs of the community also reflects the independence of the Ombudsman. One striking example of this was when the Ombudsman for Haiti responded to the cataclysmic earthquake of 2010 by stopping investigative work and launching a massive emergency assistance programme (with help from the Caribbean Ombudsman community) in the neighbourhood of her office. In this instance, she suspended her constitutional and statutory operations in order to respond to the emergency needs of the community. She did not need to seek government permission to do so, emphasising her autonomy. In an institutional culture defined by hierarchy and stilted regulations, being able to operate more flexibly offers a breath of fresh air, allowing the Institution to adapt to the changing needs of the community.

Adding Value and Diversity to the Leadership Pool on the Continent

Women Ombudsman are playing a key role in building and strengthening the institutions that are needed to enable efficient service delivery, accountable governance and the protection of human rights on the Continent, and are doing so by drawing inspiration from their traditions, socialisation and the nature of the Ombudsman institution itself to do so. Their affinity with fellow women and other vulnerable groups in society appears to enhance the approachability

of the institution, and has enabled our interviewees to prioritise issues affecting the vulnerable, in so doing contributing directly to their social justice mandate. Their particular alertness to gender discrimination, including gendered weapons such as rape, is an advantage in the Ombudsman's quest for fair, equal governance that protects the most vulnerable populations. Women Ombudsmen seem well positioned and skilled to lead their male counterparts in "going outside the status that comes with the position and simply being a human being", as so eloquently phrased by the Hon. Martha Chizuma. In an environment where government institutions can often be intimidating, hierarchical and autocratic, learning to step beyond the status that comes with the role, and to act with wisdom, solidarity, boldness and competence, are important attributes that women Ombudsmen bring to the table.

2. Stepping up to the Mark: Bringing Women's Leadership on Board to Achieve the AU's Vision

Collaboration between African countries is vital if the Continent is to successfully tackle the foremost challenges it faces in the twenty-first century. Countries will, however, never be able to get this right without bringing on board the voices and experiences of Africa's women. *If a political system neglects women's*

participation, and eludes accountability for women and girl's rights, Nebila Abdulmelik, editor of *FemNet Journal* cautions, it fails half of its citizens. And it's not just at local and national level that these voices need to be heard. Bringing women's leadership into regional and pan-African structures is equally important. This is an area where the African Union is leading the way.

Coming into existence nearly 60 years ago in 1963, the OAU, was established in Addis Abba, Ethiopia in response to the challenges posed by decolonisation, underdevelopment and nation building. In 2002, the African Union (AU) was officially launched in South Africa as its successor. This continental body, consisting of 55 member states, is guided by its vision of *An Integrated, Prosperous and Peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.*

But in order to make this vision a reality, African countries first need to overcome a new set of challenges. These include weak institutions and corruption, civil and military conflict, environmental degradation and the exploitation of natural resources, a lack of economic development and an unequal balance of trade with the rest of the world. While gender does not imply an inherent set of common interests binding women together as a collective, women do constitute half the Continent's population, and play a crucial role in caring for their families, building social relationships and mediating conflict in their communities. The vision of *An Integrated, Prosperous and Peaceful Africa, driven by its own citizens and representing a dynamic force*



The AOMA Family under the leadership of Hon. Mkhwebane (Women Leadership).

is, therefore, impossible without bringing on board their voices, experiences and wisdom.

This message has been championed by South Africa's own Dr Nkosazana Dlamini-Zuma, the first woman Chairperson of the AU Commission (2012-2017), and a role model women leader in her own right. Dlamini-Zuma was at the helm when the Continent launched Agenda 2063 – the blueprint for operationalising the AU's vision – in so doing championing debate on what Africa could achieve in the next 50 years. While there continues to be debate about her legacy as AU Chair, even her critics agree that the one thing she did get right was to promote gender equality – by focusing on gender empowerment within the organisation, and for women in general, during her tenure. By declaring 2015 the Year of Women's Empowerment, she ensured that gender issues were at the forefront of AU discussions. Since then, three subsequent summits focusing on women have been held. She also introduced a gender scorecard to monitor the progress of member states on commitments to gender inclusion.

Dlamini-Zuma helped to change the environment of the AU in Addis Ababa, ushering a more holistic developmental approach to Africa's problems as opposed to a military approach, noted Anton Du Plessis, Executive Director of the Institute for Security Studies.

During Dr Dlamini-Zuma's tenure as AU Chair, several important initiatives were launched to promote gender equality through women's leadership. One of these was the African Women Leaders Network, a partnership between the African Union and the United Nations. The purpose of this network is to provide a space where women leaders working in African transformation – with a focus on governance, peace and stability – can communicate, share experiences and advice, and support each other. The aim is to harness the wealth of African women's experiences of leadership, build on other existing and emerging networks of women leaders, as well as develop new partnerships to strengthen the capacity of women.

The second initiative is The Network of African Women in Conflict Prevention and Mediation (FemWise-Africa), also established 2017, which aims to bring more women in as mediators, in peace and security contexts and negotiations.

This network brings together well-known personalities, youths and experts in mediation to provide them with exposure and accreditation.

As the Institute for Security Studies noted:

International high-level African Union (AU) mediation efforts have in the past included very few women. Almost all AU special envoys to conflict zones are men – mostly former heads of state and other former senior officials. United Nations Security Council Resolution 1325 that urges the international community to improve women's participation in peace and security has been slow. UN Women noted that between 1992 and 2011, women globally made up only 2% of chief mediators, 4% of witnesses and signatories, and 9% of negotiators¹.

This, despite evidence that suggests that peace agreements can be reached faster and are more lasting when women are involved. Perhaps that is because they have more at stake – after all, women and girls are the biggest victims of armed conflicts in Africa – but it might also have something to do with the specific skills they are able to bring to the table. Within their social, family and community contexts, there is some evidence that women are more invested in leading through cooperation and consensus, which places greater emphasis on the qualities of fairness, open-mindedness and neutrality. This socialisation could have implications for the way in which women mediators operate in peace building and conflict mediation contexts. If the AU wants to achieve its goal of silencing the guns by 2020, then bringing more women on board as mediators is essential.

Not only are networks such as FemWise-Africa and the African Women Leaders Network important for bringing women's voices, skills and experiences on board, but they are also a great example of the kind of pan-African solidarity and collaboration that is needed to solve the challenges that Africa faces in the 21st Century. In the words of Nawal El-Saadawi, Egyptian writer and fighter for women's rights, *"Solidarity between women can be a powerful force of change, and can influence future development in ways favourable not only to women but also to men."*

1. See *ISS Today*, FemWise set to Boost Women's Role in Peace Processes, <https://issafrica.org/iss-today/femwise-africa-set-to-boost-womens-role-in-peace-processes>

Profiles

a. Featuring the Office of the Ombudsman of Gambia

The West African country of Gambia has a proud role to play in the history of human rights on the Continent. It was in its capital, Banjul, that the African Charter on Human and People's Rights, also known as the Banjul Charter, first came into effect in October 1986. The Office of Ombudsman of Gambia, under the current Ombudsman the Hon. Fatou Njie Jallow continues to build on this proud tradition, with its vision to promote a culture of respect for the rights and obligations of all people.

The creation of an Ombudsman Office in the Gambia is a Constitutional requirement. Chapter X (10) Section 163 of the 1997 Constitution of The Republic of The Gambia, states that ***“Subject to the provision of this Constitution, an Act of the National Assembly shall within six months of the coming into force of this Constitution establish the Office of the Ombudsman and provision of his or her functions and duties.”***

This led to the promulgation of the Ombudsman Act of 1997, by which this independent public institution came into being. The Ombudsman and two deputies (who make up the leadership of the institution) are appointed for a period of five years (with the possibility of one renewal) by the President in consultation with the Public Service Commission, and subject to confirmation by the National Assembly. The Office of the Ombudsman became operational in August 1999.

Role and Functions

The role of the Office of the Ombudsman is to ensure fair and good administration and respect for human rights in government departments and other public bodies by responding to complaints that public authorities have not acted lawfully, fairly and reasonably, and by improving the standard of public administration. This is done through identifying the causes of problems and making recommendations for changes to procedures, practices and policies to prevent similar problems occurring in future, thereby enhancing public confidence in government.



Hon. Fatou Njie-Jallow
Ombudsman Gambia

The Ombudsman's mission, therefore, is to promote good governance through the elimination of corruption, removal of mismanagement and abuse of power in public offices, all free of charge.

Section 163 (1) of the 1997 Constitution and section 3 (1) and (2) of the Ombudsman Act outline the functions of the Ombudsman. They are as follows:

To investigate complaints of injustice, corruption, abuse of power, maladministration, mismanagement, discrimination and unfair treatment of any person by a public officer

in the exercise of official duties; to investigate complaints concerning the functioning of the Public Service Commission, the administrative and security organs of the State, the Police Service and Prisons Service recruitment to those services or fair administration in relation to those services; and to recommend appropriate action or steps.

Independence

A crucial foundation stone of the Ombudsman is the independence of the office from the executive organ of government, which is clearly stipulated in section 165 (1) and (2) of the Constitution. The Constitution states that ***“... in the exercise of his or her functions, the Ombudsman and a deputy Ombudsman shall not be subject to the direction or control of any other person or authority but subject only to the constitution and the law”***. The Ombudsman decides for himself/herself which cases to investigate, based on the Act and the Constitution and also determines the nature and extent of all investigations.

Decentralisation

The popularity of the Office has grown immensely since its inception, as demonstrated by the number of cases received and dealt with yearly, and by the geographical and institutional distribution of the complainants. In the beginning, there was only one office in the country, but a decision to expand in order to provide greater services led to the opening of a second Ombudsman branch in September 2008 in Basse, the headquarters of the Upper River region. A third office was opened in 2011 in Mansakonko, headquarters of the Lower River region; and a fourth in Kerewan, headquarters of the North Bank region.

In 2017, the Office of the Ombudsman of Gambia

received a total of 411 complaints from its Central office and three regional offices. Of the 345 complaints registered at the Office's headquarters, 33 came from the private sector and 312 from the public sector. Out of the 312, 187 were successfully investigated and completed (denoting 58% of all cases received), 37 were settled in favour of complainants, 54 dismissed after full investigation, 81 discontinued after full investigation, five withdrawn after full investigation, five sub judice and 130 were still under investigation by December 2017. By December 2018, the percentage increased for 2017 to 80% with 76 cases pending.

Expanded Mandate

Following the change of government in 2016, which led to the dawn of a new era of democracy and respect for human rights, the Ombudsman has expanded its work into two new areas of activity. The first of these has been the undertaking of visits to prisons and other places of detention. This aligns with Section 3(1) (b) of the Ombudsman Act that provides for the Ombudsman to conduct investigations concerning the functioning of the prisons and other security institutions. Section 11(2) of the Ombudsman Act also states that "where a prisoner or any person held in custody in any institution makes an allegation or complaint to the Ombudsman, such allegation or complaint shall not be made through or subject to the scrutiny of any other person".

The government responded positively by granting the Office unrestricted access to prisons and other places of

detention. The visits commenced in November 2017. As of May 2019, all three prisons, 52 police cells, 16 police posts, seven immigration detention facilities, two detention facilities of the Drug Law Enforcement Agency The Gambia (DLEAG) and one military barracks have been visited. A total of 92 police cells, four DLEAG cells, and one military cell have been inspected.

These visits, which until now could not be conducted due to the lack of political will, gave prisoners and detainees an opportunity to complain, and for the Ombudsman, it provided an opportunity to inspect conditions of detention to ensure that detainees rights were not violated. In addition, the Office looked at the working conditions of the staff at these detention facilities to ensure holistic reforms.

The second area into which the Ombudsman has expanded its activities is that of the execution of asset declaration by public officers. Section 223 of the 1997 Constitution of the Gambia requires all public officers to submit to the Ombudsman a written declaration of all property and assets owned by them, and of liabilities owed by them, whether directly or indirectly, every two years and on ceasing to hold office. This has been backed up by a further presidential directive. In response to the Ombudsman's communications and advocacy in this regard, 132 senior officers have, to date, declared their assets, and this number is likely to increase as additional senior officers are served with asset declaration forms.



b. Interview with the Mediator of the Togolese Republic

Born on 5 January 1949, the Hon. Judge Awa Nana-Daboya Amadou Aboudou has had an impressive professional career in the legal and judicial fields spanning both national and international arenas. A lawyer trained at the University of Cameroon, then in France, the United States and Canada, this mother and grandmother has held the posts of magistrate, investigating judge, chief investigating judge, chief matrimonial and guardianship judge, civil and commercial judge in her home country. This is in addition to taking on the roles of General Rapporteur of the National Human Rights Commission (NHRC), President of the Court of Appeal of Togo, President of the National Electoral Commission of Togo, and finally Judge and then President of the ECOWAS Court of Justice in Abuja (Nigeria). Since 2015, she has acted as both Mediator of the Togolese Republic and has also led the Transitional Justice Reconciliation Mission in Togo, devoting herself to the service of her country.



Hon. Awa Nana-Daboya
Mediator of the Republic of Togo

Q: *In December 2014, you were appointed Mediator of the Togolese Republic and at the same time President of the High Commission for Reconciliation and Strengthening of National Unity (HCRRUN). What is the mission and relationship between these two institutions?*

A: The missions of the two institutions are complementary. The link between the two is the defence and protection of human rights and the promotion of the values of peace and harmonious co-existence. The mission of the Mediator is to provide recourse for citizens who have faced administrative injustice, ensuring the restoration of rights violated both in law and in equity. At Haut-Commissariat à la Réconciliation et au Renforcement de l'Unité Nationale (HCRRUN), the mission is to implement reparations for compensation, restitution, rehabilitation, satisfaction of political victims and guarantees of non-repetition. The aim is to ensure, within the framework of transitional justice, recognition of the status of victim, and to work towards rectifying the damage suffered by these victims under the political violence the country has known over a period of 47 years.

While one (Mediator of the Republic) makes recommendations to correct maladministration, the other (HCRRUN) makes proposals for the measures necessary to achieve reconciliation. Both are aimed at correcting injustices and restoring peace.

Q: *As Mediator of the Togolese Republic and at the same time President of the High Commission for Reconciliation and Strengthening of National Unity, how do you cope with managing the day-to-day running of these two institutions without letting one suffer for the benefit of the other, especially in the case of urgent tasks that require your presence as the leader of both institutions?*

A: This is the art and savoir-faire of a leader. One has to work through the collaborative staff of each institution, organising the tasks of each, based on a work plan or strategic plan, and supervising these tasks and activities. At the end of this, we draw up an activity report or a financial and moral implementation and monitoring and evaluation report. I dedicate two days in the week for each institution and two days for administrative management and coordination (Friday and Saturday). This division of tasks is facilitated in terms of mobility, since I have succeeded in bringing the headquarters of the two institutions closer together, but the nature of these two institutions determines the pace of management of each; thus, the activities of the Mediator are determined by the administrative nature of the complaint cases. They are characterised by a certain slowness, while the HCRRUN cases are social, humanitarian, economic and somewhat political in nature, and, therefore, require much attention and tact, but also promptness. The work of the HCRRUN furthermore requires a great deal of sensitivity, avoiding falling into pure legalism, since it is a matter of transitional justice.

Q: *Tell us about the basic terms of reference of your office, your powers, your jurisdiction and your relationship with the State? What is the duration of your mandate?*

A: The mandate of the Mediator of the Republic in Togo is three years, renewable; it is the same duration as the mandate for HCRRUN.

With regard to powers, the Mediator of the Republic is an independent authority, with an autonomous budget endowed by the State; while the HCRRUN budget is grafted onto the budget of the Presidency of the Republic, which is also provided for by the State.

The Mediator is a constitutionalised institution, while the HCRRUN is an ad hoc administrative institution created by the government at its highest level by the Head of State; it is not even a law but a decree adopted by the Council of Ministers that creates it. The Mediator of the Republic makes

recommendations to the authority, and may propose law reforms. Likewise the HCRRUN may propose measures to be taken, going in the direction of promoting the values of peace, dialogue, solidarity, participation in community life and the fight against impunity.

Q: Do your powers of investigation include accepting complaints from public officials against the actions of other public officials? What mechanisms and resolutions exist for the protection of a complainant against victimisation by other members of his or her own department?

A: No. Everywhere there are internal and union disciplinary procedures for this type of complaint. The Ombudsman only intervenes to verify compliance with these procedures and to ensure that they are fair. In the event of an unfair procedure, the Ombudsman makes recommendations for reform.

Q: What procedure will be followed once the Mediator has conducted an investigation?

A: Once the necessary investigations have been carried out, if the malfunction is proven, the Mediator of the Republic shall make all recommendations likely to resolve the issues referred to them by addressing the bodies concerned. All possible solutions to resolve the problem will be raised in an equitable manner. The Mediator may even suggest the amendment of laws or regulations.

Q: In what way can the Office of the Mediator be seen as promoting and protecting human rights? How do you draw the lines between your duties and the duties of Human Rights Commission?

A: In their mission of monitoring good administrative governance, the Mediator of the Republic also promotes the right of citizens/administrators to a quality public service. In the face of the omnipotence of the administration, the Mediator of the Republic carries the voice of the citizens forward to ensure that the administration functions in a way that respects human rights.

Unlike the National Human Rights Commission, which has a more general competence in the field of human rights, with powers ranging from self-referral to unexpected visits to places of deprivation of liberty, the Mediator of the Republic acts essentially in the field of good administration, including that of justice, through their competence to ensure the enforcement of judicial decisions.

Q: How is the public informed about the Mediator's duties and recommendations? What is your plan to raise public awareness of the functions of your office?

A: The Office of the Mediator is accessible and provides information to the public through brochures and other materials. The Office prepares an annual report that is published after it has been transmitted to the President of the Republic. Special reports are also published for urgent cases.

In terms of raising public awareness, the Office of the Mediator organises meetings of Mediators of the sub-regional space, participates in international meetings, and engages in missions abroad, reporting back on these to the authorising authority. In future, the mediator also plans to organise tours in ministerial departments and decentralised administrations to inform and raise awareness.

Q: Your term as the Mediator of the Togolese Republic is ending soon. What is your long-term vision in terms of what you would have liked to accomplish in this position? Can you say that you succeeded in achieving your vision?

A: As a relatively new institution, the objective was firstly to establish the foundations through setting up premises for the institution's headquarters, and securing the resources to put into operation the services necessary for its proper functioning. It cannot be said that all these objectives have been achieved as yet, but there is reason to be optimistic for the future. Since our mandate has been renewed, it is possible to achieve our vision, namely to continue working to meet the challenges of modernising State services, establishing an administrative watch through administrative interpellation strategies, as well as active and fruitful collaboration with the Togolese armed forces and the effectiveness of creating branches in the country's administrative regions and creating focal points in the departments.

Q: In August, we will be celebrating Women's Month. As a woman in a leadership position with your experience, what advice would you give to other women in societies still struggling under the mentality that it is only men who have the capacity to become leaders, and that the woman's function is limited to household duties?

A: My advice is to work and to work hard. You must have a taste for a job well done and be prepared to persevere, despite the numerous difficulties you encounter. It is always necessary to seek performance, take on leadership, and have a healthy ambition in order to obtain excellence by merit and not by the roundabout routes. You also need to respect yourself and impose respect for one's person on others; seek to be treated with dignity and have economic independence, thus avoiding inaction and easiness. In your household, work to be mother, wife and professional leader.

AOMA

a. EXCO in Kenya

16th Executive Committee Meeting Held in Nairobi, Kenya on 3 May 2019



AOMA – The Executive Committee.

The 16th AOMA Executive Committee meeting was held in Nairobi, Kenya on 3 May 2019. Members present included Hon. Adv. Busisiwe Mkhwebane (President, South Africa), Hon. Florence Kajuju (Secretary-General, Kenya), Hon. Nichole Tirant-Gherardi (Deputy Secretary-General, Seychelles), Hon. Caroline Sokoni (IOI Africa President, Zambia), Hon. Martha Chizuma (AOMA Treasurer, Malawi), Hon. Chille Igbawua (West Africa Coordinator, Nigeria), Hon. Augustine Makgonasotlhe (Southern Africa Coordinator, Botswana) and Hon. Edouard Nduwimana (Former AOMA President, Burundi). Among observers in attendance were the special authorised representatives Odette Yankulije (Rwanda), Alain Georges Randrianantenaina (Madagascar) and Roqaya Nabu (Senegal).

The AOMA President called the EXCO meeting to order at 11h00 and welcomed all members present. The Secretary-General reported that there was quorum in accordance with the Constitution. The President then declared the meeting duly convened and constituted, while noting apologies from the Second Vice-President and the Regional Coordinator from the Indian Ocean. The agenda of the meeting was noted and adopted after being duly proposed by the Ombudsman of Seychelles and seconded by the representative from Senegal.

The following are the key matters and items discussed for noting:

Adoption of the Minutes of the 15th EXCO and matters arising: The minutes of this meeting were adopted on a proposal by the Ombudsman of Malawi, and

seconded by the Public Protector of Zambia. Next, a decision register of matters arising was tabled for consideration. These included monies held at the Secretariat in Libya; the proposal for an IOI subsidy to support AORC activities; and a request for the African Union to advise member countries facing currency restrictions on how to make payment to the Association.

Monies held at the Secretariat in Libya: It was resolved for this to be kept in abeyance for further consideration at the next EXCO meeting, as interrogation of the issue was still ongoing.

IOI subsidy to support AORC activities: The proposal was explained on the basis of the IOI Africa Secretariat being housed at AORC. The matter was also kept in abeyance pending similar discussions at the IOI Africa meeting in August. It was agreed that a position paper be drafted by the IOI Africa President and the AOMA Treasurer – who is also an IOI Africa Director – to enable EXCO to appreciate the rationale of the proposal. This position paper would then be disseminated to members through regional coordinators.

President's Report: One of the highlights was the President's statement on the incidences of civil unrest in the Democratic Republic of Congo, the Sudan and Zimbabwe. She urged peaceful conflict resolution, respect for human rights and the rule of law. Going forward, the President noted that AOMA should never miss an opportunity to make the Association's voice heard on relevant issues of governance and conflict resolution. The President further outlined her vision for the Association as tied with the 'Agenda 2063:

The Africa We Want' and called on members to use their mandates to contribute to the vision. The President also highlighted the upcoming international Ombudsman exhibition in Abuja, Nigeria, 28-31 October 2019, as an opportune moment for cross-learning, and urged regional coordinators to reach out to their members to participate. To conclude her report, the President highlighted the challenges she faced with regard to the execution of her national mandate and left it to members to support her as they wished.

Report on Operations of the Secretariat: The Secretary-General informed the meeting that the comments raised by members on the floor of the 6th General Assembly regarding the Constitution, and the amendments made to the Strategic Plan, had been integrated into these documents (a version of the Constitution was presented at the meeting for confirmation). Members agreed that the amendments were a true reflection of proceedings at the General Assembly.

AORC Activity Report: The President and Chairperson of AORC presented the report on AORC activities, the contents of which is highlighted in the AORC activities section of this newsletter. In response to this report, members emphasised the need to mobilise resources for the operations of AORC. The Ombudsman of Burundi informed members that he had, during his time as President of AOMA, established contact with the Organisation for Islamic Cooperation on a possible partnership with AOMA, and urged the Secretariat to explore this avenue for funding. Finally, members were encouraged to seek out further funding opportunities.

Regional reports: The reports of Regional Coordinators of East Africa, West Africa, Southern Africa and the Indian Ocean region were presented and duly noted. Regional coordinators reported on the ongoing challenge of getting members to submit reports timeously.

AOMA finances and membership status: The Secretary-General presented a report detailing membership contributions and arrears for the years 2018 and 2019, together with the current AOMA bank statements and an account of expenditure, which were noted.

AOMA Constitution: While it was noted that the Constitution, as passed on the floor of the 6th General Assembly (GA), still needed some grammatical improvements, members were cautioned against raising substantive amendments as the same would require a resolution of the GA.

AORC Strategic Plan: The plan, as improved with comments from the GA, was presented for adoption by the EXCO. Members resolved that it be designed, printed

and disseminated to use for resource mobilisation. On the issue of the preparation for the new permanent Secretariat envisaged in the strategic plan, it was agreed that the chief executive officers of the Public Protector of South Africa and the Ombudsman Office of Kenya would come up with job specifications for a Programme Manager. These would be considered at the next EXCO meeting as well as the question of a budget for the position, which the two CEOs were asked to examine in a comprehensive document. Members discussed the possibility of soliciting donor support for this. It was noted that technical assistance was also welcome. The Ombudsman of Malawi and Treasurer of AOMA agreed to engage the European Union delegation in Malawi for possible support.

International Ombudsman Exhibition October, Abuja, Nigeria: Members were requested to publicise this event and regional coordinators were urged to reach out to their members to mobilise participation of the Association at the exhibition. It was agreed that the Secretariat would disseminate information regarding the exhibition to the IOI Secretariat for wider publication.

Partnership building: The Secretary-General informed members that communication had been received from the Ombudsman of Niger, who is also the President of the Ombudsman Members of the West African Monetary and Economic Union (AMP-UEMOA in French acronym), seeking partnership between AOMA and the AMP-UEMOA. The Secretariat was advised to work on the preliminaries such as drafting a memorandum of understanding for consideration by the GA even as more information is sought from AMP-UEMOA. The Secretariat was also asked to obtain a copy of the AMP-UEMOA Constitution in this regard.

Participation of Honorary members in AOMA affairs: It was resolved that honorary members would be invited to the activities of the association at their own expense.

Identifying potential partnerships: In any other business, the need to identify potential partnerships was highlighted. The African Centre for the Constructive Resolution of Disputes (ACCORD) and other institutions involved in conflict resolution were emphasised. For purposes of the international Ombudsman exhibition to be held in Abuja, the Ombudsman of Nigeria requested the extension of an invitation to potential partners of the Association such as ACCORD and the Global Alliance of National Human Rights Institutions (GANHRI).

In conclusion, members agreed that the 17th Executive Committee meeting would be held in October in Abuja, Nigeria. The meeting was adjourned at 16h30.

b. Introducing New Member of AOMA

Ombudsman for Children for Mauritius

The Mauritius Ombudsman for Children, which represents and defends the rights of children in Mauritius, Rodrigues and Agalega, is the first of its kind in Africa. Drawing inspiration from the original such specialised Office founded in Norway in 1981, the Mauritius Children's Ombudsman was established by the Ombudsman for Children Act (OCA No. 41 of 2003). This came into being on 20 November 2003 on Universal Children's Day. The Ombudsman for Children's Office (OCO) of Mauritius was established in the same year.

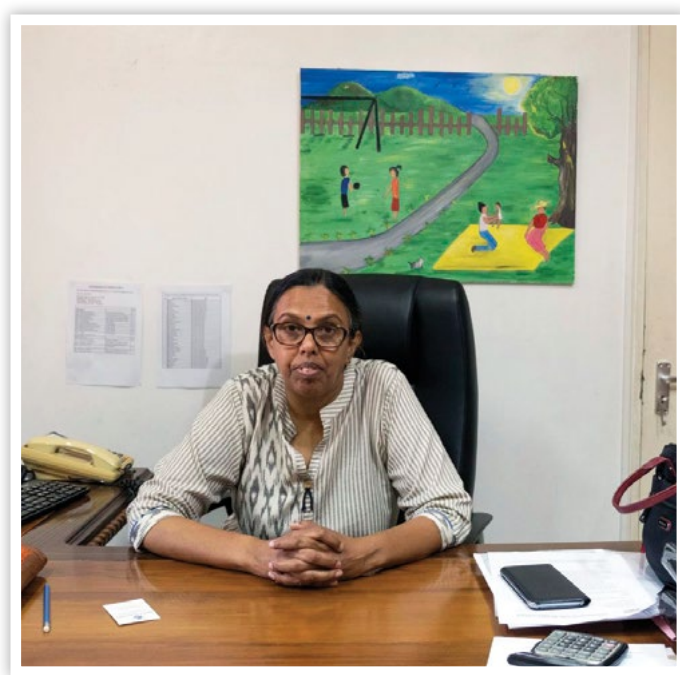
According to the Act, this four-year position, renewable once, is appointed by the President of the Republic, acting in consultation with the Prime Minister, the Leader of the Opposition, the Minister and such other persons considered appropriate. The current incumbent, Hon. Rita Venkatasawmy, has been in the post since 2015.

The main objectives of the Office are to ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations, to promote child rights and the best interests of children, and to ensure compliance with the Convention on the Rights of the Child.

This is done through the Office's investigative and advisory functions. As stipulated in Sections 6 and 7 of the OCA, the Mauritius Children's Office has the authority to initiate an investigation whenever the Ombudsman for Children considers that there is, has been or is likely to be, a violation of the rights of a child. This includes incidents of child labour. Cases can relate to the situation of children in the family, in schools and in all other institutions (such as hospitals, residential care, police detention centres, rehabilitation and correctional youth centres) covering private and public bodies, as well as cases of abandoned or street children.

Complaints can be made by and on behalf of children by parents, family members, adults working with children, or any adult who is concerned about the violations of a child's rights.

The Ombudsman also has a mandate to monitor and evaluate the position of children in public and private



Hon. Rita Venkatasawmy
Ombudsman for Children – Mauritius

institutions such as hospitals, residential placement facilities and shelters, and to provide the government and private bodies with advice and recommendations regarding services, safety standards and the rights of children in these facilities, ensuring they comply with certain norms. Furthermore, the Ombudsman may take such steps as they may deem necessary to ensure that children under the care or supervision of, a public body are treated fairly, properly and adequately.

This mandate extends to making proposals to the Minister on legislation, policies and practices regarding the above, and advising the Minister on the establishment of mechanisms to afford children the ability to express themselves freely, according to their age and maturity, especially on all matters concerning their individual or collective rights. It also encourages partnerships among parents, schools and all other stakeholders committed to the promotion of children's rights.

The jurisdiction of the Office applies to children who are citizens of Mauritius, as well as those living abroad, and children of other nationalities who reside in the country.

AORC Activities



Mediation Training in full session.

a. Mediation Training in Durban

Mediation for African Ombudsman Training, March 2019

Two people go on a picnic in a drought-stricken part of the country and have only one bucket to wash some wild fruits and a very dirty pair of boot soles. How could they make the best use of the water at their disposal? This was one of the introductory scenarios presented at the recent AORC and IOI sponsored Mediation for African Ombudsman training, held in Durban from 13-15 March 2019.

The training was conducted by leading Africa-centric mediation trainer Professor David McQuoid-Mason, based at University of KwaZulu-Natal's Centre for Socio-Legal Studies. McQuoid-Mason is a prolific scholar who regularly conducts training in South Africa, Uganda, Zimbabwe, Ghana, Fiji, Italy and elsewhere in this specialised field. Fifty-one participants from 22 African countries attended together with five sectoral Ombudsman. AORC was privileged to have a representative from the Department of International Relations and Co-operation (DIRCO) present, as well as IOI General Secretary Kräuter Günther, and IOI Head of Secretariat Ulrike Grieshofer.

The course was highly interactive, with a mix of presentations and opportunities for participants to share their thinking on the issues and information presented. By the end, participants were able to conduct an interest-based negotiation and a mediation, appreciate the value of these methods as a means of resolving disputes, and apply the

principles learned to scenarios provided by Ombudsman.

Overall participants reported a high level of satisfaction with the training, commenting on the usefulness of the skills learned, as well as the importance of the networking and sharing of best practices that the training offered. *"It was a good methodology to learn. It seemed like you are playing but we are learning. It was an opportunity to consolidate,"* noted one of participants from the office of the Provedor de Justiça, the Ombudsman of Mozambique. *"Stimulation is very important for us. [It is] important to be in action... [This is a] good mechanism for mediation,"* emphasised another from the Médiateur de la République of Gabon.

To date, AORC has trained 570 Ombudsman and staff through 21 training offerings.



The IOI Team.

b. AORC Board Meeting in Durban

The 19th AORC Board Meeting took place on 12 March 2019 at the Garden Court, Marine Parade Hotel in Durban, South Africa.

Board members present were Adv. Busisiwe Mkhwebane (Chairperson of the Board and Public Protector South Africa), Mr Vussy Mahlangu (CEO: Public Protector South Africa), Mr Nduwimana Edouard (Ombudsman of Burundi), Adv. John Walters (Ombudsman of Namibia) and Prof. Managay Reddi (Dean, School of Law, UKZN).

The observers were Hon. Martha Sika Mwangonde-Chizuma (Ombudsman of Malawi), Ms Sylvia Cherotich Chelogoi (Legal Officer – Kenya), Ms Nthoriseng Motsitsi (Executive Manager: Communication and Stakeholder Management PPSA), Dr Annie Devenish (AORC Project Manager), Mr Franky Lwelela (AORC Communication & PR) and Mrs Marion Adonis (AORC Finance Officer).

Apologies were received from Hon. Florence Kajuju (Ombudsman of Kenya and General Secretary of AOMA), Hon. Nichole Tirant (Ombudsman of Seychelles), Hon. Dr Kassim Issak Ousman (Ombudsman of Djibouti) who fell ill at the venue prior to the meeting, and Prof. Brian McArthur (Acting Deputy Vice-Chancellor and Head of the School of Law and Management Studies, UKZN).

After all the formalities had been observed, the key discussions and resolutions to note from this meeting were:

- 1. Funding:** The Chairperson informed the meeting that AORC is funded for the current year and that the Board is open to other suggestions as to how to source funds for future.
- 2. Mediation workshop:** Took place from 13-15 March 2019.
- 3. Research:** It was resolved that the article dealing with human rights and displaced refugees must be:
 - a. Shared throughout the Ombudsman community
 - b. Put onto the AORC website with AORC advising the Ombudsman offices that a copy is on the website
 - c. Sent to AOMA in order for them to share with all Ombudsman offices
 - d. Sent to the AU representative who was in Rwanda as well as the AU High Commission Chair with a covering letter stating that the article is the contribution of AORC.
- 4. Information:** It was resolved that an electronic copy of the newsletter as well as a link to the newsletters on the website must be sent to all member countries.
- 5. Capacity building:** It was resolved that Dr Roger Koranteng's anti-corruption training material be electronically sent to all Ombudsman offices, and put onto the AORC website and all member countries be encouraged to peruse the website. It was resolved further that the anti-corruption training participants must provide feedback on what they learned from the training and whether they required any further information from Dr Koranteng. Those who were not at the training may also want to contribute after they have engaged with the training material.
- 6. Strategic objectives:** It was resolved that the strategic objectives as well as the targets must be incorporated/attached to the minutes and agenda in the future.
- 7. AOMA Secretariat:** The Chairperson shared the proposed amendments to the AOMA constitution.



The AORC Board.



The meeting was informed of the following:

- a. The AOMA Secretariat is to be centralised into AORC to ensure sustainability and institutional memory.
- b. As a consequence, there will no longer be a Director of AORC.
- c. A Project Manager will be appointed and the Project Manager will be responsible for:
 - i. Ensuring that the AOMA records are up to date
 - ii. That the necessary documents are sent to members
 - iii. Managing AOMA's relationship with the AU
- d. A job description would have to be agreed upon for the Project Manager position and the position would be advertised thereafter.
- e. The AOMA Secretariat's responsibilities would not bring extra responsibilities to the AORC team as the AORC team will focus specifically on RICA work. Since:
 - f. DIRCO funding only focuses on AORC activities, therefore, no AORC money is to be utilised for AOMA activities.
 - g. AOMA membership fees will be the responsibility of the new Project Manager and these funds will be used to fund AOMA activities. At EXCO, a decision will have to be taken as to the account to be set up for the AOMA.
 - h. AORC and AOMA will have separate accounts.
 - i. AORC is currently regarded as a project by DIRCO, hence they are reluctant to fund operations costs.
 - j. Once AOMA becomes an agency of the AU, AORC will also be funded by the AU.

8. Upcoming Events

- **Training:** The next training will take place in October in Nigeria at the Ombuds Expo.
- **Research:** The next research will focus on Ombudsman Antecedents.

The New Deputy Military Ombud

Adv. Damane-Mkosana was appointed by the South African President Cyril Ramaphosa on 6 November 2018 and was sworn in as the second Deputy Military Ombud on 7 December 2018. The first South African Military Ombud, Lt Gen. (Ret.) T.T. Matanzima's seven-year non-renewable term of Office ended on 31 May 2019. In the interim, Adv. S.T.B. Damane-Mkosana is the acting Military Ombud.

Adv. Damane-Mkosana has held various senior management positions in the legal profession for more than 20 years. At the time of her appointment, she was the legal advisor to the Secretary for Defence.

She is a qualified attorney with a B-Juris degree obtained at the University of Limpopo, LLB at Walter Sisulu University, a Diploma in Criminal Justice & Forensic Auditing as well as Corporate Governance from the University of Johannesburg, among other qualifications. She also has a qualification in



Mediation and Arbitration from Arbitration Foundation of Southern Africa (AFSA).

She attended the AOMA Southern Africa Regional meeting from 5-8 August 2019 in Gaborone with the theme: 'Re-energising the Ombudsman Institutions on Southern Africa'. She is responsible for providing strategic direction and leadership, steering the Office of the Military Ombud to greater heights. The South African Military Ombud team and stakeholders wish Adv. Damane-Mkosana great success on her upward career trajectory.

IOI Africa Corner (Update on Activities)

2019 IOI Annual Board Meeting – Mexico



IOI Board of Directors.

This year's annual IOI Board Meeting was held from 14-17 May 2019 in Mérida, Mexico. Raúl González Pérez, Mexican Ombudsman and President of the Mexican National Human Rights Commission, and his office hosted the event. IOI directors from all six regions came together to discuss current affairs, past achievements and future developments and projects. The IOI Africa region was represented by its Regional President Mrs Caroline Sokoni Zulu and one of its regional directors, Ms Martha Chizuma.

Among the topics of discussion, the Board accepted 12 new members from Africa, Asia, Caribbean and Latin America, Europe and North America – eight of which were admitted as voting members of the IOI and four as non-voting members. In the African region, with recommendations from the Executive Committee, the Board agreed to give voting membership to the office of the following institutions, as they all meet the criteria set out in the IOI by-laws: Ombudsman of Mozambique and Ombudsman for the City of Johannesburg, South Africa, while non-voting membership was given to the Health Ombud South Africa as they do not fully meet all the requirements of Article 2(2) of the IOI by-laws.

During the meeting, it was unanimously agreed that the IOI's successful programme of regional subsidies will again be made available to members for the membership

year 2019/2020. Given the upcoming IOI General Assembly and World Conference to be held in May 2020 in Dublin, Ireland, this year's subsidies will sponsor the participation of incumbents of offices with lower financial resources at the General Assembly.

Another focus was on new training initiatives for the upcoming membership year as well as discussions on a new by-law reform.

The Board noted that not all members participated in the self-assessment process to establish the membership fee tier for each member. These members were automatically allocated to the middle tier (i.e. the usual 750 EUR) for their membership payment and reminded by the Secretariat and by regional presidents to complete the self-assessment process. Since the results are still not satisfactory, the Board endorsed a proposal to change the course of action. Members who have not yet met the IOI's request for self-assessment will be automatically allocated to the highest membership fee tier (i.e. 1 500 EUR) and asked to give evidence via the self-assessment procedure if they wish to be allocated to one of the lower tiers.

The Board also noted and acknowledged the progress report regarding the development of a comparative study on African Ombudsman institutions, whose complete first draft will be produced before the year ends.

AMP-UEMOA (Update on Activities)

International Conference of the Association of Mediators of UEMOA Member Countries to Discuss the Issue of Migration in the Union

UEMOA (L'Association des Médiateurs des pays membres de l' Union Economique et Monétaire Ouest Africaine (AMP-UEMOA) recently gathered in Niamey in Niger, from 28 July to 1 August 2019 to discuss the pressing issue of facilitating integration in the face of growing migration. This West African regional Association of Mediators consisting of Benin, Burkina Faso, Côte d'Ivoire, Guinée Bissau, Mali, Niger, Senegal and Togo, brought together Ombudsmen with collaborators, experts and other stakeholders under the theme *'Migration and institutional mediation: What role for the Mediator of the UEMOA Space?'*

Member states once again demonstrated to the international community their most cherished achievement of an integration model, emphasising solidarity.

Participants noted that the phenomenon of external migration and its economic and social consequences have made the security crisis in the region more complex.

In the Ombudsman's view, internal migration within the Union must be distinguished from migration outside the Community territory. Internal migration is organised according to the rules of the common market, in particular, the free movement of persons and the right of settlement. External migration, in contrast, poses problems because of its irregular form, its impact on the complexity of the already precarious security situation, and the illicit trafficking it generates.

Obviously, UEMOA, which aims at the economic development and competitiveness of the States' economies, cannot have a policy aimed at promoting such migration. However, it cannot ignore the social, security and other effects and impacts of the phenomenon.

The Conference then turned its attention to the question of the driving force behind external migration in this context of free movement. In other words, from what moment or act can we consider that the person is migrating to outside the Union? The second question is to find out which part of the territory is considered to be a migration preparedness area or a departure area for migration. These are, of course, the external land and maritime borders.

The relevance of the theme chosen for the conference on migration and institutional mediation lies in the diversity of nationalities in the region, the problem of identifying candidates, the culpability syndrome, the duty to assist, and



Hon. Ali Sirfi Maiga, Mediator of the Republic of Niger, President of AMP-UEMOA.

the preservation of peace and security.

As for the role to be played by the Mediator of the Republic in the UEMOA region, it will be necessary to guarantee solidarity between States in the field of migration, ensure peace and security in areas of presumed departure, facilitate the granting of provisional titles to national administrations and in areas of departure, monitor the possible reintegration of former candidates for migration and contribute to the security of administrative documentation.

In the future, the AMP-UEMOA plans, in accordance with the principle of solidarity, to implement a mechanism to manage the migration crisis. In this context, the Association should play an important role. The same applies to community-based conflicts within countries or in cross-border areas.

To this end, the results of the Niamey Conference are essential; Niger and the Mediator of Niger have a historic mission. Niger could initiate a proposal detailing how to manage the migration crisis to be submitted to the UEMOA bodies like Burkina Faso and Mali, and could do the same with regard to intercommunity conflicts.

At the end of the three days of work, the participants in the international conference of UEMOA Mediators made a declaration known as the Niamey Declaration and formulated several recommendations. You can read more about these recommendations on AORC's website: http://aoma.ukzn.ac.za/News/19-08-06/AMP-UEMOA_-_Conference_internationale

AOMA Upcoming Events

1. AOMA Southern Africa Regional Meeting

Gaborone, Botswana, 6-7 August 2019

Theme: 'Re-energising the Ombudsman Institution in Southern Africa'

For more information:

Phatodi Nacane

Public Relation Officer, Ombudsman Botswana

Email: pnacane@gov.bw

Telephone: +267 399 3237/+267 395 3322



2. International Ombudsman Expo

Abuja, Nigeria, 28-31 October 2019

Theme: Extending the Ombud Frontiers: Better Governance, Enhanced Performance

Registration is OPEN: <https://www.internationalombudexpo.com>

For more information:

Telephone: +44(0)20 7403 6070/6199

WhatsApp & Text: +44 (0) 740 432 1484

Fax: +44 (0) 20 7403 6077

Email: ioe2019@gmsiuk.com

Website: www.internationalombudexpo.com

The first ever **International Ombud Expo 2019** will bring together over 500 national and specialty ombud and grievance handling offices from over 100 countries in an exhibition of the role and operations of these unique institutions in facilitating better governance and driving performance in governments and organisations across the world.

Convened under the theme: **Extending the Ombud Frontiers: Better Governance, Enhanced Performance**, the event will involve:

- Exhibition of the work of different ombud offices in existence around the world
- First-time gathering of all ombud-types, complaints handlers, grievance offices and similar institutions in one location to showcase critical performance factors
- Unparalleled insight into how these institutions execute their roles and make a difference in governments and organisations across the globe
- One-on-one interaction and sharing of experiences with ombud leaders and diverse functionaries
- Participation in workshops and expert discussions on topical issues
- Meeting with wide-ranging organisations that service and facilitate the role of ombud offices in different parts of the world

- First-hand insight for policy makers, corporate leaders and organisation managers on the role of the ombud and grievance handling in tackling wide-ranging governance problems, managing conflicts and boosting performance and productivity

The three-day international event will be held from **28-31 October, 2019** at the Sheraton Hotel Abuja in the Federal Capital Territory of Nigeria.

Participation in the **International Ombud Expo 2019** is open to all Ombud and Ombud-type institutions; Ombud regional organisations and associations; mediators; complaints and grievance handling offices; human rights defenders as well as Ombud support service providers; government agencies; universities and educational institutions; hospital management bodies; security and military establishments; banks and financial institutions; business and private establishments; media organisations; book publishers; sector stakeholders; allied organisations; and individual technical experts.

The spread and popularisation of the ombud institution across the world over the last five decades have been unprecedented. It is estimated that there are over 30 000 ombud offices, grievance-handlers and complaint-bodies in operation in over 150 countries and the demand for more offices to be established grows by the day.

Useful Phrases

ENGLISH	FRENCH	ARABIC	PORTUGUESE
law	loi	نوناقلا (alqanun)	lei
regulation	règlement	ةحئلالا (allayiha)	regulamento
decree	décret	موسرم (marsum)	decreto
contract	contrat	دقع (eaqad)	contrato
oath	serment	فلح (hlf)	juramento
plaintiff	demandeur	ىعدم (madeaa)	demandante
violation	violation	فئنع (eanif)	violação
impartiality	impartialité	ةوازن (nazaha)	imparcialidade
prejudice	préjudice	بصعت (taesib)	preconceito
compromise	faire des compromis	ةنورم (muruna)	compromisso
independence	indépendance	لالاقتسا (aistiqlal)	independência
authority	autorité	ةطلسلا (alsulta)	autoridade
court case	procès	مكحم قئضق (qadiat mahkamah)	processo judicial
sanction	sanction	ةبوقع (euquba)	sanção
administrative practices	pratiques administratives	ةيرادلالاتاسرامملا (almumarasat al'iidaria)	práticas administrativas
corruption	la corruption	داسف (fasad)	corrupção
legal action	une action en justice	ةئنوناق تاءارجا ('iijra'at qanunia)	ação legal
legal advice	conseils juridiques	ةئنوناقلا ةروشملا (almashurat alqanunia)	aconselhamento jurídico
legal status	statut légal	ئنوناقلا ءضولا (alwade alqanuniu)	status legal
legal proceedings	poursuite judiciaire	ةئنوناقلا تاءارجالا (al'iijra'at alqanunia)	procedimentos legais
legal protection	protection légale	ةئنوناقلا ءئماحلا (alhimayat alqanunia)	proteção legal
enforce law	faire respecter la loi	نوناقلا ءضرف (farad alqanun)	reforçar a lei
compliance	conformité	مازتلالا (alaitizam)	conformidade
jurisdiction	juridiction	ئئاضقلا صاصتخالا (alaikhtisas alqadayiyu)	jurisdição

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AFRICAN OMBUDSMAN RESEARCH CENTRE (AORC)

E531, Shepstone Building, Howard College Campus
 University of KwaZulu-Natal, Durban, 4001, South Africa
 Telephone: +27 31 260 3823 • Fax: +27 31 260 3824
 Email: lwelela@ukzn.ac.za
www.aoma.ukzn.ac.za



AFRICAN OMBUDSMAN ASSOCIATION (AOMA)

General Secretariat
 The Commission on Administrative Justice
 West-End Towers, 2nd Floor, Waiyaki Way, Westlands
 P.O. Box 20414 00200 • Nairobi
www.aoma.ukzn.ac.za