



ASSOCIATION DES OMBUDSMAN ET MEDIEATEURS AFRICAINS
AFRICAN OMBUDSMAN AND MEDIATORS ASSOCIATION
ASSOCIAÇÃO DOS OMBUDSMAN E MEDIADORES AFRICANOS

African Ombudsman *today*

FIRST WOMAN OMBUDSMAN APPOINTED IN MALAWI



JUSTICE AMBASSADOR TIJULANE Chizumila has been appointed the first woman Ombudsman in Malawi by the Public Appointments Committee of the National Assembly.

In what is regarded as a positive development in the empowerment of women in Malawi, Chizumila, a retired judge and diplomat, has assumed office at the end of September 2010 as the third Ombudsman since the establishment of the Office of the Ombudsman in Malawi in 1995. Her recent appointment is continuing with the trend she is renowned for – that of ‘firsts’ – as she was the first female lawyer to establish a legal firm in Malawi and the first female African Ambassador in Zimbabwe and one of the first three officers appointed by United Nations High Commission for Refugees (UNHCR) to look after refugee women and children protection issues in Malawi.

Malawi’s constitution provides for the appointment of an Ombudsman whose duties include amongst others “to investigate any and all cases where it is alleged that a person has suffered injustice and does not appear that there is any remedy reasonably available by way of proceedings in a court or by way of appeal from a court or where there is no other practicable remedy”.

In welcoming the appointment of Chizumila, the Executive Secretary of the Association of Ombudsman of Africa (AOA) and the Public Protector of South Africa, Advocate Thuli Madonsela observed that the appointment strengthens the institution of the ombudsman in our continent and can only be wonderful news for good governance and integrity in the conduct of state affairs across Africa.

Chizumila, the widow of former minister of justice, Collins Chizumila and a mother of three children, is credited with spearheading the establishment of the Office of the Ombudsman in Malawi. She holds a masters degree in International Law and has over 30 years of experience working on legal, judicial, governance and democracy, human rights and rule of law, diplomacy and international programmes in several countries including Malawi, Tanzania and Zimbabwe.

Chizumila is a scholar who has published on topics like “A widow’s perspective – A personal experience”, “Women’s leadership roles and food security for refugees in Nsanje” and “Food distribution and sexual harassment in Ntcheu”. She is currently working on publishing a book on “The democratic wind of change in Malawi – A wife’s experience”.

A defender of women’s and children’s rights, Chizumila is appointed for five years and is succeeding Enock Chibwana who retired last year.

A RESEARCH CENTRE FOR OMBUDSMEN TO BE ESTABLISHED

A RESEARCH CENTRE owned and run by the African Ombudsman and Mediators Association (AOMA) is in the final stage of being established at the University of Kwazulu-Natal in South Africa.

This is a culmination of a long-standing AOMA resolution which saw the centre being moved from Dar-es-Salaam in Tanzania to South Africa. The Centre seeks to provide a focal point for ombudsman offices in Africa, by coordinating their activities and supporting them with the provision of information and training, and acting as a point for liaison with all participants involved in enhancing good governance in Africa.

The Center’s establishment is made possible by generous funding from the Department of International Relations and Co-operation of the Republic of South Africa and GTZ.

Already, negotiations between the Office of the Executive Secretary, Advocate Thuli Madonsela and the University of Kwazulu-Natal are at an advanced stage regarding the modalities of the establishment of the Centre.

A post for the Director of the Centre and those of support staff have been advertised in order to bring on board skilled and experienced professionals to run the Centre under the supervision of the Executive Secretary and a Board that has been established for this purpose.



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EDITORIAL COMMENT

IT IS A GREAT honour to present you the first issue of the African Ombudsman and Mediators Association (AOMA) electronic newsletter (eNewsletter), **African Ombudsmantoday**. This half-yearly e-Newsletter, a consequence of the resolution of AOMA Executive Committee meeting held in Kampala, Uganda earlier this year, will be a conduit for information to and between members of AOMA. At that meeting, the EXCO approved a recommendation from the Executive Secretary that a newsletter be established to facilitate regular communication within AOMA in order to keep members abreast of developments regarding AOMA affairs and other matters of interest.



As an official AOMA mouthpiece, it is hoped that members will contribute actively to making this project a success by sending in stories about developments regarding their work as Ombudsman and Mediators in their countries and regions to the Editorial Team. Suggestions on the look and feel of the newsletter and even the type of stories covered are more than welcome.

As the AOMA Executive, we are delighted that this initiative has come to fruition. It will assist a great deal in ensuring that our members are kept abreast of news regarding their organization as well as the continent in as far as the work of the institution of the ombudsman is concerned. The eNewsletter will hopefully also stimulate debates and discussions on how we can together catapult our sector onto a higher trajectory whilst profiling the success stories developing in our own backyards.

May I also take this opportunity to wish you a delightful festive season and a prosperous new year.

Adv Thuli Madonsela
Executive Secretary of AOMA
Public Protector - RSA

MEET THE NEW AOMA EXECUTIVE

THE GENERAL ASSEMBLY of the African Ombudsman and Mediators' Association (AOMA) that was held in Luanda, Angola earlier this year elected a new Executive Committee (EXCO) to lead the organization for the next four years. The President is Dr Paulo Tjipilica who is the Ombudsman of Angola with the First Vice President with Adv Raphael Baku Obudra, the Inspector General of Government of Uganda and Madame Mbam Diara, the Mediator of the Republic of Mali being the Second Vice President whilst Adv Thuli Madonsela, the Public Protector of the Republic of South Africa, is the Executive Secretary.

The EXCO of AOMA also includes Regional Coordinators from its six regions with Northern Africa still to confirm its representative, Southern Africa is represented by the Inspector General of Zambia, West Africa is represented by the Mediator of the Republic of Côte d'Ivoire, East Africa is represented by the Chief Ombudsman of Ethiopia, Central Africa is represented by the Mediator of the Republic of Central African Republic (CAR) whilst the Indian Ocean is temporarily represented by the Ombudsman of Mauritius.



President of the Republic of Angola, Dr Jose' dos Santos (red tie) shaking hands with the President of AOMA, Dr Paulo Tjipilica during AOMA EXCO's courtesy visit to his office whilst some EXCO members look on. From left: Judge Mohammed Ahmed, Mrs Fozia Amin (white headgear), Adv Thuli Madonsela (blue outfit), Adv Raphael Obudra (striped tie) and Mme Jeanne Kombila.



MESSAGE OF THE PRESIDENT OF AOMA

DEAR READERS,

As you go through the content of this first edition of our Newsletter, you are witnessing the dawn of a new era.

AOMA was created by Ombudsman and Mediators from all over Africa, with among others, the objective: "To further mutual support, co-operation and joint activity through information sharing, training and development of Ombudsman and staff".

While we anxiously prepare for the forthcoming launch of our much expected African Ombudsman Research Centre (AORC), this Newsletter will be an important tool through which information from all our Colleagues will be spread across our membership and beyond.

I am aware of the fact that some of our Members responded very positively to the Executive Secretary's call for their contribution in feeding the Newsletter with stories from their respective countries. I also hope that more feedback will be received for the future publications, as none of us would choose to take while giving nothing, from this unprecedented platform of information sharing.

As you will obviously find out from this edition, a number of achievements can be pointed out in line with the last General Assembly's Recommendations as well as with those of the last Executive Committee Meeting.

The relationship between AOMA and the African Union will soon be formalised. It is also expected that 2011 will be the year when the AORC will start conducting our first ever formal training sessions of Ombudsman and their staff members.

While we are still faced with tremendous challenges, such as the official recognition from our Members' respective Governments as well as the consistency of our subscription fees payments (and therefore financial sustainability), there is room for positivity and hopefulness. Should AOMA finally receive its long overdue official status onboard the African Union Commission, our respective Governments will be more encouraged to recognise our Association as an International Organisation within their internal legislation.

Furthermore, while we had been pushing for the status of an

observer within the African Union Commission, the AU's Commission's leadership went as far as opening an opportunity for a Cooperation Agreement, whereby there should be for the first time in our Continent's history, a platform for African Ombudsman and Mediators to contribute in resolving and preventing conflicts at a continental level.

Last but not least, the Executive Committee's endeavour to conclude our project of amending AOMA's Subscription Fees Quotas, with a view to enhance our financial capacity as an Organisation, will inevitably result in a stronger and more viable Association; hence opening doors to cooperation with several other like-minded international organisations.

It goes without saying how expectant we are of this Newsletter, as well as of each Member's contribution in making it a success and a multi-beneficial tool for all stakeholders.

A noble mission awaits us, and we will not accomplish the task unless we all bring the little we have.

Seria serie tractanda sunt, serious matters can only be dealt with in a serious manner. It is indeed our time that we all add one brick to another, until we all put together the edifice of a new, democratic, peaceful and prosperous society in Africa. If only one brick, just one brick, lacks from any of us, the wall will collapse and we shall all suffer. However, should each one of us bring in the little they have, one day, no matter how long it takes, the edifice will be complete.

Faithful to our common goals,

DR. PAULO TJIPILICA
PRESIDENT OF AOMA
PROVEDOR DE JUSTICA,
REPUBLIC OF ANGOLA



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and/or send stories and pictures for publication to:**

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Deputy Public Protector, Adv Mamiki Shai hands over a plaque to the Deputy Ombudsman of Botswana, Mrs Matshediso Bokole whilst their respective staff look on.

PUBLIC PROTECTOR HOSTS INTERNATIONAL GUESTS

THE PUBLIC PROTECTOR South Africa, Adv Thuli Madonsela, has hosted several delegations from AOMA members throughout this year.

The delegations include those from Kenya, Zimbabwe, Ethiopia and Botswana. The Kenyan delegation was from the Public Complaints Standing Committee (Ombudsman) wherein experiences in the operation of the ombudsman institution in the respective countries were shared and preliminary discussions on a possible partnership between the Public Protector South Africa and the Public Complaints Standing Committee of Kenya were held. At the conclusion of the visit, the Kenyan delegation expressed its appreciation for the insight that got and looked forward to a mutually-beneficial relationship between the two institutions whilst the Public Protector SA committed her office to render support to her counterpart within her limited resources.

The Zimbabwe delegation visited the Public Protector South Africa as part of their trip to the South African Human Rights Commission. Since the Office of the Ombudsman is still in its infancy in Zimbabwe, the purpose the stopover was to learn more about the two institutions and how they are contributing to nurturing a culture of respect for human rights, promotion of the rule of law and good governance. The Zimbabwe delegation was elated by the lessons they learned during the interactions and felt encouraged to continue promoting the rule of law and good governance in their country.

The Office of the Botswana Ombudsman delegation's visit

sought to exchange good practices and experiences between the Offices of the Public Protector SA and the Ombudsman Botswana. The delegation was led by Mrs Matshediso Bokole (the Deputy Ombudsman of Botswana) and outlined their programmes and activities with the staff from the Public Protector SA doing the same.

The delegation appreciated the experience they gained and pledged to put it to good use. They extended an invitation to the Public Protector to visit them at her earliest convenience.

The Public Protector further hosted a delegation from the Hashemite Kingdom of Jordan in late November. The delegation from the Jordanian Ombudsman Bureau that was led by its President, Mr Abdelilah Kurdi, was on a two-day mission to exchange good practices and share experiences with the Public Protector. The visit followed a recent one by the Ambassador of the Hashemite Kingdom of Jordan, His Excellency Dr Mazen Tal. At the time of his visit, Dr Mazen Tal indicated that the recently established Jordanian Ombudsman Bureau has chosen to learn from the Public Protector due to South Africa's reputation for good governance and human rights.

Delegations from Vietnam, Eastern Europe and China were also hosted. These visits are an integral part of AOMA's efforts to build relations with like-minded organizations and institutions of Ombudsman across the globe. These efforts will assist AOMA members in learning from their counterparts worldwide through the sharing of international best practices.

NIGER SUSPENDS MEDIATOR

The Transitional Authority of Niger replaced the Mediator of the Republic (Niger) following events of early February that led to the suspension of the Constitution and that of all Constitutional Institutions among which, the Mediator of the Republic.

The newly created High Authority for National Reconciliation and Consolidation of Democracy: Haute Autorité à la Réconciliation Nationale et à la Consolidation de la Démocratie (HARNCD) assumed the powers and duties of the former Office of the Mediator of the Republic.

The HARNCD is led by Col. Lawel Chekou Koré. On receipt of the enabling legislations of the HARNCD, AOMA's Executive Secretary undertook to inform AOMA's Membership on the changes in Niger. The next Executive Committee Meeting, scheduled to take place early next year in South Africa will adjudicate on the Mediator's replacement by Col. Lawel Chekou Koré, as an ordinary member of the Association. Any further developments will be communicated to the Members as they take place.





The Inspector General of Government Mr Raphael Baku-Obudra presenting the 1st Annual Report on Corruption Trends in Uganda to the World Bank Country Manager, Ms Kundhavi Kadiresan. Looking on is the DFID Representative. the report was compiled with support from DFID, Norway and World Bank

AOMA COMMITS TO PROMOTE RULE OF LAW AND GOOD GOVERNANCE

THE EXECUTIVE COMMITTEE (EXCO) of the African Ombudsman and Mediators Association (AOMA) committed itself to promoting the rule of law and good governance across the African continent at its meeting held in Kampala, Uganda, on the 26 – 31 July 2010.

The EXCO meeting that was attended by members from thirty six countries, committed itself to consolidating AOMA to play a key role in building lasting peace and good governance across the African continent. This will be achieved through ensuring that there is full compliance with international standards and strengthening the capacity of the Ombudsman institution in Africa to combat impunity and promote a culture of respect for human rights and the rule of law.

It also called upon African leaders to continue to support and strengthen the Ombudsman Institution in Africa. AOMA leaders also saluted and commended the African leaders who during the AU Summit held in Uganda days prior to their meeting, took resolute measures to re-establish good governance, rule of law, peace and political stability in Somalia.

In order to strengthen AOMA and turn it into a credible force for promoting good governance and the rule of law in Africa, the leaders mandated the AOMA President, Dr Paulo Tjipilica and Executive Secretary, Adv Thuli Madonsela, to encourage

Ombudsman and Mediators who are not yet members of AOMA to join and to persuade countries that do not have the institution of Ombudsman or Mediator to establish them. A fully functional secretariat of AOMA is being established in South Africa to provide administrative support to the leadership and a central point of contact for members.

The President and the Executive Secretary were also mandated to pursue the affiliation of AOMA with the African Union Commission and the United Nations Organisation. However, the leadership cautioned that affiliation should be without integration into the AU and UN in order to preserve AOMA's independence. In executing this mandate, AOMA's Chairperson, Dr. Paulo Tjipilica met with the AU's Commission, President Jean Ping in July. The meeting paved the way to more technical interactions between AOMA's Presidency and the Legal Section of the AU Commission.

Four months later Dr. Tjipilica led a delegation to Addis Ababa, Ethiopia for an official visit to the AU Commission. During the visit, more interactions were engaged with the Directorate of the African Union Peace-keeping Branch. All required documentation were submitted for AOMA's recognition as an observer within the AU Commission and for a Cooperation Agreement to be drafted and signed at a later stage, between the AU Commission and AOMA.

The two organisations seek to create a cooperation environment whereby African Ombudsman might assist the AU Commission in areas such as: conflict prevention and conflict resolutions, electoral observation missions, advocating peace and democracy on the continent, promoting respect for Human Rights, rule of law and good governance.

It is expected that the process of AOMA's recognition be concluded during the first quarter of 2011, while the cooperation agreement might take a bit longer in order to peruse all legal requirements and implications.

At another level, members were also directed to strive to obtain legal and official recognition of AOMA from their respective governments in compliance with each country's internal legislation.



Madame Mbam Diarra, an accomplished human rights activist, is the third Mediator of the Republic of Mali and an AOMA Executive Committee Member. A lawyer by profession, she was part of the team that facilitated the transition in Mali and even served as a Special Rapporteur on the human rights situation in Chad and coordinator of the judicial assistance programme at the Office of the High Commissioner for Human Rights in Burundi.



ETHIOPIAN OMBUDSMAN ADOPTS NEW STRATEGIC PLAN

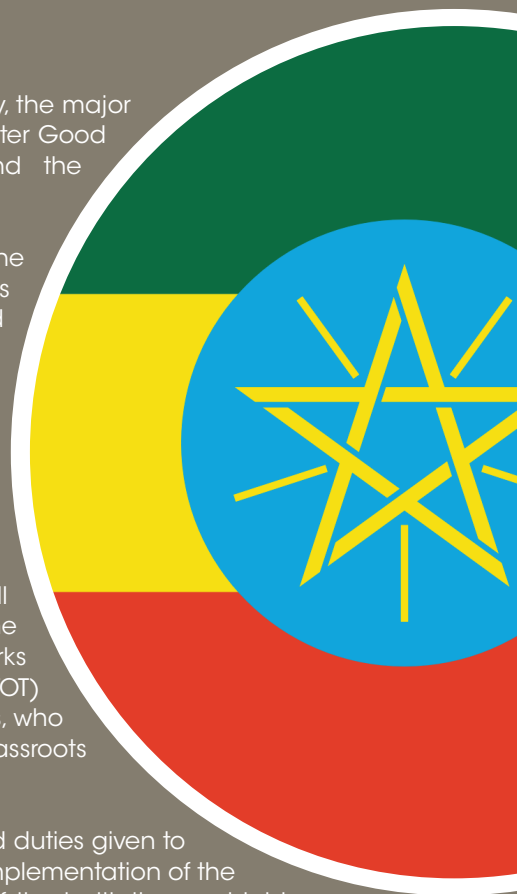
THE ETHIOPIAN INSTITUTION of the Ombudsman (EIO) has been a hive of activity lately, the major highlights being the adoption of a five-year strategic plan, the implementation of a Winter Good Governance Campaign, the implementation of Access to Information Law and the establishment of regional offices.

The strategic plan follows an evaluation of the previous strategic plan (2006-2010), the activities implemented, the achievements recorded, the impacts made, and challenges encountered in the last five years. In an effort to ensure that there is buy-in from staff and the plan is aligned to the EIO corporate strategy, the staff was trained on strategic planning and management and a strategic planning team was established. The strategic plan sets annual and five year targets for the institution with goals, outputs and measureable indicators clearly outline.

Meanwhile, the EIO's "Winter Good Governance Campaign" was conducted in association with the Ethiopian Federation of the Youth, as a nation-wide campaign targeting students and the youth who are on winter break. The campaign sought to raise awareness of the public, particularly the youth, on principles of good governance as well as the promotion of EIO at national level. It aimed at reaching 4 million people over the three months period (July-September) as a major step that EIO took in establishing networks with civil societies and associations to effectively. Different levels of Training of Trainers (TOT) were conducted in Addis Ababa, for leaders of the 11 regional youth federation leaders, who later conducted training to their constituents at regional level and youth leaders at grassroots level with a total of close to 4 million youth were trained in this campaign.

At another level, the Ethiopian Institution of the Ombudsman, apart from the powers and duties given to it by its enabling legislation, was given the exclusive mandate to lead and oversee the implementation of the law dealing with Access to Information. Under article 32, the Act detailed the duties of the institution and laid a deadline of 18 months for its full implementation at a federal and regional level. With a view to meet that deadline, EIO established a national task force that would draft regulations, training manuals, monitoring checklists and directives. These documents are almost finalised and the implementation of the law is imminent.

In order to expand its accessibility to the public, and in line with its enabling proclamation, EIO is set to establish regional offices in this fiscal year. Subsequent to the Federal Parliament approval of a proposal for expansion, an action plan has been developed for the establishment of five regional offices in Dire Dawa, Amhara, Oromia, SNNPR and Tigray regions. The new parliament is expected to approve the plan of action soon.



PUBLIC PROTECTOR GOOD GOVERNANCE WEEK A RESOUNDING SUCCESS

THE SOUTH AFRICAN Public Protector (Ombudsman), Advocate Thuli Madonsela, spent the week of 11 until 15 October 2010 on a campaign that seeks to market the services of the Public Protector in South Africa.

The Public Protector Good Governance Week, as the campaign is referred to, is an annual focus week in which the Public Protector reaches out to South Africans from all walks of life in order to market its services and broaden its accessibility.

In an interview with the Public Protector South Africa, Adv Madonsela described the Good Governance Week as an initiative to assist the Public Protector to market itself as an agency of choice on complaints involving administrative failures of the state while institutionalising good governance.

"The aim was to raise public awareness about its existence, mandate and services. This is for purposes of complying with Section 182 (4) of the Constitution of the Republic of South Africa, which calls on the Public Protector to "be accessible to all persons and communities. Since the new Public Protector Vision 2020 and Strategic Plan 2010-2013 prioritise accessibility to and trust by all persons and communities and the promotion of

good governance and integrity, among other things", Advocate Madonsela added.

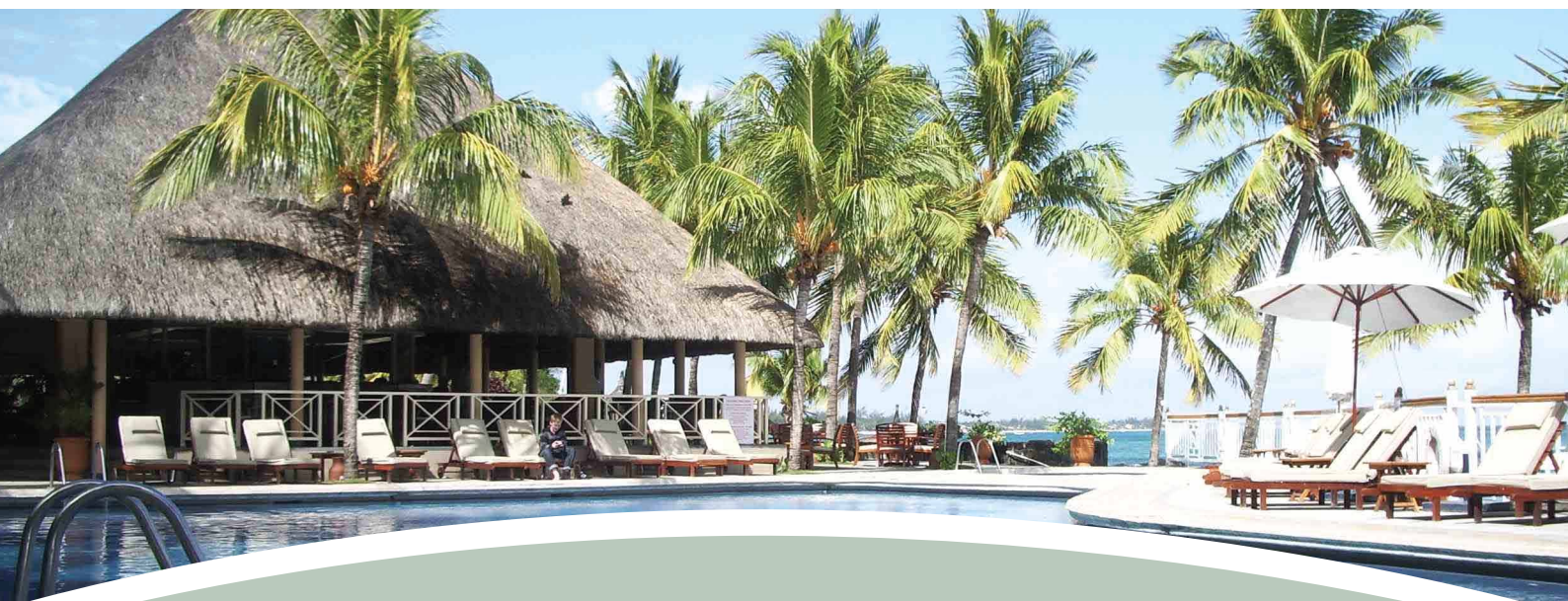
"In addition, the Good Governance Week contributed in advancing the course of promoting good governance and integrity in all state affairs and building people's trust in the Public Protector", Advocate Madonsela continued.

Under the theme: "Celebrating 15 years of promoting accountable governance and responsiveness in the public sector", the Public Protector Good Governance Week featured a number of activities that included a public launch, a three-day Good Governance conference hosted jointly with the Commonwealth Secretariat and representatives of oversight bodies in South Africa and concluded with unannounced visits by the Public Protector and her deputy, Advocate Mamiki Shai to two state hospitals on the 15 October 2010.

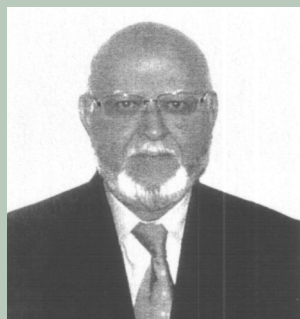
The Good Governance conference ended with the adoption of a resolution committing the oversight bodies to collaborate and leverage each others strengths in the promotion of good governance through their respective activities.

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African Ombudsmantoday SPEAKS TO ADV SOLEMAN HATTEEA



In celebrating the existence for the last four decades of the institution of the Ombudsman in Mauritius, African Ombudsman today, talked to Adv. Soleman M. Hatteea, Ombudsman of Mauritius about this milestone since not many institutions would have survived in their original form unaltered after so many years.

African Ombudsmantoday (AOT): What has made it possible for this institution to survive this long in Mauritius?

Adv. Soleman M. Hatteea (SMH): It is essentially the guarantee of the independence of the institution that has allowed this to happen. Whenever an Ombudsman has to be appointed Section 96(2) of the Constitution enjoins the appointing authority i.e. the President of the Republic, who is the Head of the State, to consult the Prime Minister, the Leader of the Opposition and leaders of other parties represented at the National Assembly before doing so. One can easily conclude that the above provision tries to ensure that the person to be chosen is acceptable to all political parties represented at the National Assembly. In other words, what is looked for is a broad consensus to appoint a truly independent and reliable person who is and who can stay above the fray of the political arena.

Although the Constitution is silent regarding other activities which an Ombudsman may undertake, it is my belief that all kinds of conflict of interests must be avoided in order to guarantee the Ombudsman's total independence e.g. any other remunerated activity. This reminds me of what the famous British constitutionalist, Professor S.A. de Smith, said in his 1964 report as Constitutional Commissioner for Mauritius, when addressing the question of the creation of the Ombudsman institution for Mauritius: "An Ombudsman cannot be bought off the peg; he must be made to measure."

Therefore the independence of the Ombudsman institution is absolutely vital for its credibility and I would even add for its survival. It is also one of the essential characteristics of the Ombudsman institution throughout the world and recognized by the International Ombudsman Institute, others being

accessibility, flexibility and credibility.

AOT: What tends to undermine the independence of an Ombudsman?

SMH: In many foreign jurisdictions the independence of the Ombudsman is somewhat linked to his term of office which is sometimes only one mandate of so many years and sometimes a maximum of two mandates.

It is believed, rightly or wrongly, that the Ombudsman may otherwise be inclined to favour the government of the day in order to seek, in return, further appointments. In other words it is feared that the Ombudsman may become a yes-man or worse a lap-dog instead of a watchdog.

In Mauritius however, where we have a multi-cultural and multi-religious society with a multi-party system, the law is silent on the number of mandates which the Ombudsman can hold and such a system has stood the test of time for more than four decades now. The Ombudsman's role is certainly not to lend comfort to the government but to expose its shortcomings. It is all a question of "esprit d'indépendance et indépendance de l'esprit".

AOT: What does the effectiveness of an Ombudsman depend on?

SMH: The effectiveness and success of the Ombudsman institution depend however on the commitment of Government to uphold the independence of the institution and to give it the necessary support in fulfilling its mission. When a government recognizes that its own organs are not infallible and empowers the Ombudsman to inquire into complaints against these organs whenever cases are referred to him and eventually accepts to take remedial measures whenever maladministration has occurred and brought to its attention, it is a sign of wisdom, openness and healthy democracy.

As a point of emphasis, the Ombudsman is not above the citizens but instead at the service of citizens. And inasmuch as the Ombudsman is an independent institution he is able to help people resolve their problems with the administration without fear or favour.

