



African Ombudsman *today*

ISSUE 2 – AUGUST 2011

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Editorial comment

NOW THAT THE African Ombudsman Research Centre (AORC) has been launched and is in operation, it is time to put it to use. But first things first, all members of AOMA through the guidance of the current and past Executive need to pat yourselves on the back for such a vision and having the courage to put it to use.



As the AORC board we are motivated by your vision, wisdom and courage to realise that such a mission. The AORC is a vehicle for the realisation of the dreams you have dared to dream. We will do our utmost to keep the vehicle in order, oiled, washed and shone to carry these your dreams to the expected destination. We have also made your dreams our own, so that we do not see our mandate as belonging to others for whom we are distanced. As such, in the tradition of the African mother and child, we are on your back being strapped by ropes of commitment, openness and the love and responsibility that binds us, one to another.

In this editorial, we would like to invite you to share in the growth experiences, teething pains, joys of the first crawl and step – as the centre blossoms as a child to serve the ombudsman and mediators in Africa. We extend our heartfelt gratitude to those that have made it their business to make sure that the idea of a Research Centre in the service of AOMA materialises. This includes the previous Executive Committee as well as the current.

Yours in service,

ADV. THULI MADONSELA
EXECUTIVE SECRETARY - AOMA
PUBLIC PROTECTOR SOUTH AFRICA



Launch of the African Ombudsman Research Centre (AORC)



THE HOWARD COLLEGE campus of the University of KwaZulu-Natal had the rare occasion of launching in pomp and ceremony the African Ombudsman Research Centre AORC hosted by its Lw Faculty and witnessed by a higher powered delegation including the State President, Mr Jacob G. Zuma, the Justice Minister and the Provincial Premier, Dr Zweli Mkhize among other local and international dignitaries. The launch was combined with the EXCO meeting as well as a needs assessment workshop as part of a four-day programme from the 14 to 17 March 2011.

This high-profile event that was held under the theme: "When People complain – Entrenching good governance and the rule of law in Africa" was attended by, amongst others, 23 AOMA members, academics, non-academic staff and students of the University of Kwazulu-Natal, representatives of South African institutions that support democracy (Chapter Nine institutions as referred to in South Africa) and mem-

bers of the public.

The launch was also graced by the presence of his Excellency South African President Jacob Zuma, Minister of Justice and Constitutional Development, Mr Jeff Radebe, Premier of Kwazulu-Natal, Dr Zweli Mkhize, Mayor of eThekweni Municipality, Councillor Obed Mlaba, Vice Chancellor of UKZN, Prof Malegapuru Makgoba, and the Ambassador of the Federal Republic of Germany, Mr W. Haller. Other esteemed guests included representatives of Ombudsman offices that are members of AOMA.

President Zuma delivered a keynote address and unveiled the plaque before Minister Radebe proceeded to officially open the AORC premises indicating the level of support for institutions in support for democracy in South Africa. In this spirit, the Premier of the Kwazulu-Natal Provincial Government, Dr Zweli Mkhize hosted a Gala Dinner whilst the eThekweni Municipality hosted a Civic Reception for AOMA members and guests.

The full launch report, which contains the speeches and the Needs Assessment report are available for download at www.aoma.org.za and www.aorc.ukzn.ac.za

Key messages and launch highlights

PRESIDENT JACOB ZUMA of South Africa, in delivering the keynote address, underscored the need for Ombudsman to “ensure that citizens are protected from violations of their rights, the abuse of power, negligence, unfair discrimination and maladministration...Society needs to believe that the Office of the Public Protector will not be influenced by either the complainants or those institutions or individuals that are being investigated.” He noted the need to encourage countries that have not established these important institutions to do so. As a powerful relief mechanism for the poor, such offices should be accessible to all. President Zuma also stated that the formalised relationship between the AU and AOMA will ensure that their work and influence reach every corner of the continent. He expressed the hope that the launch of AORC will see officials from all over the continent coming to Durban for their training needs.

The President of AOMA, Dr Tjipilica hailed the political and historical background of Durban, South Africa, as an inspiration. He thanked all those who contributed to the launch of the Centre, especially the South African Government and GIZ for their support. Dr Tjipilica highlighted that the AORC should become the hallmark for ombudsmanship and human rights in Africa.

The then South African Chief Justice Sandile Ngcobo, gave an opening address at the Needs Assessment Workshop. He emphasised that an independent investigation of government action is an essential component of a strong constitutional democracy and highlighted it as the value of a constitutionally-defined Public Protector or Ombudsman. He urged countries throughout Africa to strengthen the institution of Ombudsman as there is a desperate need for basic human needs such as food, drinking water, health care, housing, education and social security. “Our countries cannot bear the improper allocation

of government resources. Having a Public Protector, or Ombudsman, with a mandate to investigate and publicly report in government administration is essential,” Chief Justice Ngcobo said.

As host of the Launch event, Advocate Thuli Madonsela, the Public Protector of South Africa and Executive Secretary of AOMA gave a welcome address and an informative historical background to the AORC. The Executive Secretary commissioned a needs assessment for the establishment of the AORC, which was sponsored by the German Association for International Cooperation (GIZ). This assessment consisted of desktop-based research, from the analysis of which a questionnaire was developed for circulation to the African Ombudsman Offices. The replies to the questionnaire were consolidated and formed the backdrop to the Needs Assessment Workshop that was held during the week of the AORC Launch. Some of the expressed needs of the African Ombudsman offices included:

- The need for information – there is comparatively little knowledge of or information available to organizations regarding sources of support for ombudsman institution
- Better communication between organisations
- Training – primarily in the practical aspects of operating an ombudsman type organisation

An AOMA strategic planning meeting was held during the week of the AORC Launch. A consultant, Dr Victor Ayeni facilitated the proceedings where the previous AOMA strategic plan was reviewed and a new strategic plan (2011 – 2014) was drafted for consideration during the forthcoming AOMA EXCO Meeting in September 2011.



Message from AOMA President



IT IS WITH great pleasure that we circulate this AOMA Newsletter following the launch of the AORC after years of deliberation, actions and finally we can say, “unto us, a child is born”!

It is our hope that the launch and staffing of the AORC is a birthing of new energy and agency in the manner AOMA has served its membership. We are all convinced that in this information age, the availability of an institution whose main responsibility is to galvanise relevant information and circulate it in a userfriendly, format is an important development. We have finally appointed an able team of Director and Deputy Director who are aided by an energetic intern to functuate the duties of the Secretariat.

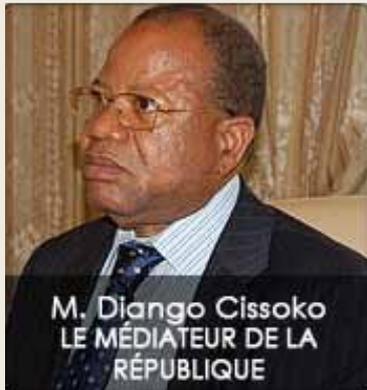
I would like on behalf of the AOMA Executive, to congratulate the AORC secretariat and wish them a successful tenure. I would like to invite all AOMA members to make use of the Centre and, through the regions, as well as directly, continue to provide the Centre with information on needs, development and challenges as well as successes in your local and regional zones. I would also like to use this opportunity to acknowledge and congratulate the Ombudsman for Mali and Burkina Faso on their appointment.

**DR PAULO TJIPIICA
PRESIDENT - AOMA
PROVEDOR DE JUSTIÇA, ANGOLA**

Recent developments

Welcome to the new Ombudsman of Mali

Following the tragic death of its Ombudsman, Advocate M'Bam Diatigui Diarra in January this year, Mali appointed their new Ombudsman, 62 year old Dr Diango Cissoko on 16 May 2011. He has a 7 year mandate that is non-renewable. Dr Cissoko's career spans the fields of Public Administration, Banking and has held Ministerial positions in the Mali Government. He obtained a Doctorate at the Faculty of Law and Economics from the French University of Rouen, and, apart from French, he can speak English and Spanish. Dr Cissoko is regarded as an expert in the field of public administration as evidenced by his numerous publications and senior governmental positions.



The Ombudsman Office (Mediateur de la Republique) was established by Law No. 97-022 of 14 March 1997. The office has strengthened its capacity through training interventions and the sharing of software with Burkina Faso and Senegal.



Welcome to new Ombudsman of Burkina Faso

On 22 June 2011, the President of Burkina Faso appointed Madame Alima Déborah Traore as the new Ombudsman. Her predecessor, Madame Amina Ouedraogo, retired.

Ms Traore graduated from the French Universities of Orléans and Haute Alsace and is an ex-

pert in public law and the relations between the public administration and the citizens. She has been active in the promotion of women's rights, which is still a priority for her.

The Ombudsman Office was established by Act 22 of 1994. In terms of Article 5 of the Act, Madame Traore has a 5-year mandate that is non-renewable. One of the challenges her office currently faces is the shortage of support staff for investigators.

Morocco: New Ombudsman institution

Even if Morocco is not a member of AOMA we find it important that we bring you the news of the appointment of the Ombudsman in Morocco which is a member of AOMF, with many members in AOMA. We would like to welcome Morocco into the AOMA family soon.

On 18 March 2011, His Majesty King Mohammed VI appointed Mr. Abdelaziz Benzakour as head of the Ombudsman Institution, an independent national body established and especially created to replace Diwan Al Madhalim. Besides mediation and conciliation, the power to conduct inquiries and investigations, the Ombudsman is empowered to initiate disciplinary proceedings or act as public prosecutor and also to make recommendations concerning legal help particularly for the poorest and those in precarious situation. Abdelaziz Benzakour was born in 1943 in Marrakech and is a lawyer. In January 2004 he was appointed as member of the Equity and Reconciliation Commission.



Introduction to the AORC Secretariat

THE AORC IS now functional following the appointment of Dr Blessing Karumbidza as the Director and Advocate Ishara Bodasing as the Deputy Director with effect from the 1st of June 2011. Both have already taken office. In Mid-July, the AORC secretariat also appointed a volunteer intern to assist with administration as well as the projects areas of research and training. Ms Nomfundo Dlamini joins the Director and Deputy Director as the first staff of this exciting space to work at and are all eager to interact with AOMA members and advance the interests and objectives of the Association.



Dr Blessing Karumbidza, AORC Director

THE DIRECTOR OF the newly established African Ombudsman Research Centre (AORC) is not new to UKZN where he has spent most of his time since arriving in South Africa from Zimbabwe in 1999 to enrol for Masters of Arts in Economic History. Dr Blessing J. Karumbidza returns to

UKZN to run the AORC where he completed his PHD as well as taught until 2008. Prior to joining AORC, he was a researcher with the Social Economic Rights Institute (SERI) www.seri-sa.org. Between leaving UKZN and his new posting, Dr Karumbidza founded the Co-operatives & Rural Enterprises Support Initiative (CRESI-Africa) www.cresi-africa.org) following a stint as Director of the Association for Rural Advancement (AFRA – www.afra.co.za). A household environ-

mental, workers and human rights activist Dr Karumbidza brings a wealth of skills in advocacy, coordination, research and administration which will help put the AORC Secretariat in the horizon as a centre of excellence in its field.

Dr Karumbidza wishes to make AORC the most accessible and trusted institution in the service of all Ombudsman offices on the continent. The Centre, will strive to provide prompt and appropriate information on developments in the institution required for keeping the African Ombudsman up to date with international trends as it seeks to come into line with international best practice in the defence of human rights and promotion of good governance. It is our wish that all members of AOMA see the AORC as their business and constantly communicate, support and send updates on developments in your countries as well as your regions.

DURING THE PAST 5 years, Adv Bodasing has conducted private practice as Lawyer and Governance Consultant (research, reports and training on anti-corruption, anti-fraud, corporate governance and participated in forensic investigations). Prior to that, she played a leadership role in the Public Sector Anti-corruption Programme of the South African Department of Public Service and Administration, which focuses on policy, monitoring, evaluation and international anti-corruption co-operation. She holds a Masters in Comparative Law degree from the University of Delhi, India; and BA and LLB degrees from the University of KwaZulu Natal.



Adv. Ishara Bodasing, AORC Deputy Director



MS NOMFUNDO DLAMINI graduated in 2009 with a Social Science Degree from the University of KwaZulu-Natal, where she majored in Geography and Environmental Management. She is currently registered for Honours in Environmental & Project Management at the University of South Africa (UNISA). She has served as a graduate intern assisting in Air Quality Assessment at Zanokuhle Environmental Services. She now joins AORC as a Project Management and Research intern where she helps with the co-ordination of the Centre's services towards AOMA. Ms Dlamini hopes to bring her project management and research theory to AORC and gain the experience that would help her grow professionally.

Ms Nomfundo Dlamini, Project Management and Research Intern

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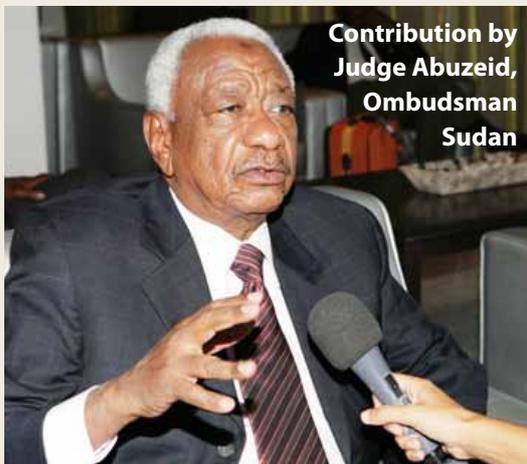
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IN DUE COURSE you will be hearing directly from the team and readers are encouraged to interact with them and make the AORC a hub of activities, learning and information exchange for the development of the AOMA.

Please kindly forward your important speeches, reports and any other materials for the AORC Secretariat to file, circulate as well as use in generating the African Ombudsman Today (AOT) newsletter. Through the regional offices, it is also expected that the AORC secretariat be kept informed about regional news, developments and activities so that these are reflected in the AOT which will now be published and circulated frequently.

Independence of Southern Sudan



SOUTHERN SUDAN BECAME independent from its mother country, Sudan, on July, 9 after a comprehensive vote for secession in a referendum agreed upon as part of the Comprehensive Peace Agreement (C.P.A.) that was signed in Ne-vasha, Kenya, by the Sudan People Liberation Movement (S.P.L.M) which belongs to Southern Sudan, on one hand, and the Government of Sudan on the other hand. The C.P.A. was encompassed in the Interim National Constitution of The Republic of the Sudan, 2005, which ordained, in Article 143, that there shall be established an independent body at the National level to be known as the " Public Grievances Chamber



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“ (i.e. ombudsman) the President and Members of which are to be nominated by the President of the Republic and approved by the National Assembly (Parliament) and to be responsible to both the President and Parliament. The Interim Constitution also bestowed on every State (25 States) and also on Southern Sudan Government the right to issue similar autonomous Constitutions, provided that these Constitutions shall comply with it. Hence the Constitution of Southern Sudan came into being in 2005, and by virtue of that Constitution the Legislative Assembly of Southern Sudan with the approval of the President of the Government of Southern Sudan passed their Southern Sudan Public Grievances Act, 2006, and thereby the independent Chamber come into being . The provisions of that Act are in substance similar to those of the mother National Public Grievances Act, 2005.

There was continuous co-operation between the National and the Southern Sudan Chambers, including:-

1- Regular exchange visits between the two institutions. The President (Judge Abuzeid) and his colleagues paid two visits to Juba, the capital city of Southern Sudan, during which work shops, lectures and deliberations took place.

2- Because capacity building and training are of vital and indispensable importance, the National Chamber (Public Grievances and Corrections Board) hosted in Khartoum, for a week, a number of the staff from the South for these purposes in the field of handling grievances and administrative control.

3- The President of the Public Grievances Board in Khartoum wrote a strong letter to the authorities in Juba urging them to elevate the profile and status of the President and Members of the Chamber.

4- Communications (by person or phones) between the two institutions were continuous and regular

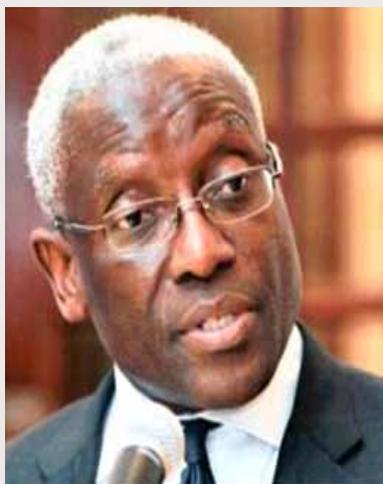
5- Now, after the Southern Sudan Region has become an independent sovereign Republican State, it goes without saying that it will have the right to join all regional and international forums including the African Ombudsman and Mediators Association (AOMA).

Ultimately we wish all success and the best of luck for our brothers and sisters in the newly born State, hoping that cooperation and exchange of experiences and knowledge be continued and ever lasting.

Chief Justice Sandile Ngcobo

AN INSPIRATION TO good governance and institutional building.

Chief Justice Sandile Ngcobo, appointed by Nelson Mandela in 1999, to the Constitutional Court, was elected as Chief Justice in the year 2009. He has served the country for 12 years and 15 August 2011 marked the end of his term of office in the Constitutional Court. Following a controversy surrounding the proposed five (5) year extension of his term, Justice Ngcobo opted for the high road and resigned to protect Constitutional Court. A challenge had been brought



to the Constitutional Court to rule on whether the President had the prerogative to extend the term of the Chief Justice and the procedure thereof. In deciding to resign, he demonstrated that he is also prepared to walk the talk, as he had reiterated the importance of strengthening institutions that support constitutional democracy. His decision was vindicated by the Constitutional Court which ruled that the approach taken by the Executive was unprocedural and is tantamount

to undermining the independence of the Court from the Executive.

Chief Justice Sandile Ngcobo, is known to AOMA and was very supportive of the African Ombudsman Research Centre (AORC), indicated by his attending of its launch on the 15th of March 2011 at the University of KwaZulu Natal Howard College campus. He delivered a speech at the workshop on AOMA Needs, which formed part of the launch event, where he emphasised that an independent investigation of government action is an essential component of a strong constitutional democracy and highlighted it

as the value of a constitutionally-defined Public Protector or Ombudsman. He urged countries throughout Africa to strengthen the institution of Ombudsman as there is a desperate need for basic human needs such as food, drinking water, health care, housing, education and social security.

“Our countries cannot bear the improper allocation of government resources. Having a Public Protector, or Ombudsman, with a mandate to investigate and publicly report in government administration is essential,” Chief Justice Ngcobo said.

News and Notices in Brief

TRAINING TO BE ROLLED OUT IN OCTOBER 2011

With the assistance of GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH), which is a world-renowned and leading provider of international cooperation services for sustainable development, AORC will conduct a 6 day pilot training course in English for 20 Ombudsman Investigators during the last week of October 2011 at UKZN. Topics covered include:

- Introduction to Ombudsman;
- Understanding the mandate;
- Conducting interviews – practicals and theory;
- Writing statements; and
- Report writing.

The course will then be refined, based on the pilot and on consultations, translated into French, and a similar exercise will be undertaken in the first quarter of next year for French speaking Ombudsman Investigators.

AORC BOARD MEETING & AOMA EXCO MEETING

The AORC Board will meet on 14 September 2011 followed by the meeting of the AOMA Exco from 15 – 16 September 2011, both to be held in Addis Ababa. Enquiries about the meetings can be directed to: Mrs Foziya Amin, Chief Ombudsman – Ethiopia
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AOMA GENERAL ASSEMBLY MEETING IN MARCH 2012 IN MALI

A conference will precede the GA meeting. The theme and topics are yet to be determined, and suggestions are welcome. For inquiries on this event the Mali Ombudsman Office can be contacted at: BP E4736 Bamako, Republique du Mali

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I.O.I. BOARD OF DIRECTORS MEETING 2011 TO BE HELD IN LIVINGSTONE, ZAMBIA

The annual meeting of the I.O.I. Board of Direc-

tors will be held in Livingstone, Zambia from 30 October to 2 November 2011. The members of the I.O.I. Board will take the opportunity of this meeting to look back at the progress made and the projects realized during the past membership year.

Another objective of the meeting is to identify and prioritize projects and activities in the upcoming membership year 2011 / 2012. One of the most ambitious projects for this next year will be the 10th I.O.I. World Conference, to be held in November 2012 in Wellington, New Zealand. Beverley Wakem, I.O.I. President and Chief Ombudsman of New Zealand, will host this event which coincides with the 50th Anniversary of the ombudsman institution in New Zealand. In accordance to Article 21(2) of the I.O.I. By-laws, the I.O.I. Board will also hold officer elections for the function of the President, Vice-President and Treasurer during its Zambia meeting.

LIBYAN OMBUDSMAN BOMBING

We are sad to share the news of the bombing of the offices of the Libyan Ombudsman which came under attack during the imperial attacks on the sovereign nation by the NATO invading forces. The loss of property, fellow humans and capacity to one of us is a loss to AOMA.

MALAWI RIOTS

The recent riots in Malawi on issues that border around governance and social economic and human rights of citizens are a clear indication of the role the office of the Ombudsman can play in sustaining democracy, peace and development.

MALI OFFICES VICTIM TO BURGLARY

We learn with sadness that Mali offices fell victim to burglary and lost their computers and other important equipment and documents. Crime is an indication of a society at war against itself and affects the development potential of affected societies. The office of the ombudsman must be protected by the whole society as it is a protector of society and promoter of democracy and good governance.

AOMF HAS NEW WEBSITE

The Association of Ombudsmen and Mediators of La Francophonie (AOMF) has launched a new website on which it informs about its mission of promoting knowledge of the role of Ombudsman and Mediator in La Francophonie and to encourage the development of independent institutions of mediation in the French-speaking space.

www.aomf.ombudsmans.francophonie.org

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

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