



# African Ombudsman *today*

## ISSUE 5 – MAY 2013

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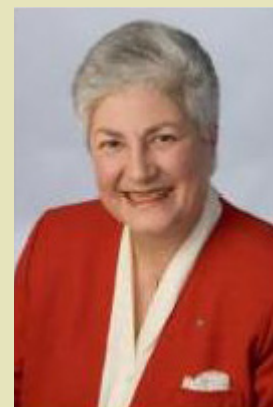
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### FEATURES

## IOI World Conference

**FROM 12 – 16** November 2012, the New Zealand Office of the Ombudsmen was host to the 10th World Conference of the International Ombudsman Institute (IOI) in Wellington. The IOI World Conference is a forum for Ombudsmen, or their equivalent, from around the world to meet, exchange experiences, share expertise, and engage in debate and discussion the IOI initiated a reform process and reviewed and revised its existing by-laws with the aim of establishing revised membership criteria. These new by-laws were approved by the General Assembly.



Keeping governments transparent and accountable was the main message of a series of meetings held during the Conference.

On 15 November 2012, the IOI Board of Directors held elections to the Executive Committee. The newly elected Officers of the IOI Executive Committee are:

- IOI President: Dame Beverley Wakem (New Zealand)
- IOI 1st Vice-President: Mr John R. Walters (Namibia)
- IOI 2nd Vice-President: Ms Diane Welborn (USA / Ohio)
- IOI Treasurer: Alan N. Lai (China / Hong Kong)

#### Outcomes and Implications for AOMA

- I. In its efforts to guarantee a transparent and inclusive procedure, the IOI Board of Directors decided at its Wellington meeting in November 2012, to issue an official call for project proposals for hosting the 11th IOI World Conference in 2016. IOI member institutions interested in hosting the 11th IOI World Conference in 2016 were asked to submit concrete project proposals by 28 February 2013. The letter from IOI Secretary General Dr. Peter Kostelka provided information on the implications of hosting.

The AOMA Executive Secretary submitted that AOMA should make a proposal for the hosting of the next IOI World Conference, especially given that the Tanzanian Ombudsman office will be in its 50th year of existence in that year. Unfortunately, in April 2013, CHRAGG (Tanzania) lost the bid by one vote, to



Thailand.

- II. In its efforts to further increase the regional impact of the IOI, the members of the IOI Board of Directors decided at their Wellington meeting in November 2012 to once again make regional subsidies available to IOI



members. Institutional members who wished to apply for a regional subsidy were asked to fill in the IOI subsidy application form and submit their project proposal to the General Secretariat (ioi@volksanw.gv.at) by 25 February 2013.

As in former years, the IOI Board of Directors has authorized the IOI Executive Committee, within the limits of the IOI By-laws, to review and short-list applications for IOI project funding. The Regional Presidents will also be consulted during the selection process. Mrs Caroline Sokoni of Zambia was elected as the Regional President for Africa.

- III. The IOI Secretary General Dr. Peter Kostelka sent out a letter in support of a study to be conducted on modern ombudsman in practice. The researcher is Ms McKenna Lang, who requested the IOI's assistance for her research project with the Taos Institute and Tilburg University PhD. Program. She seeks participants from African countries. The AOMA Executive Secretary wrote to garner the support and participation from AOMA members for this worthy initiative. It presented an opportunity for our members to showcase their successes and share challenges that are being faced.

## ***Publication of AOMA History Book***



**THE PUBLICATION OF** the history of the AOMA and the AORC is a valuable contribution to the understanding of the evolution and implementation of governance initiatives in Africa.

In light of this, the GIZ commissioned the development of

a publication on the history of AOMA and the AORC. The initial publication was written by Mr Pierre Ndagirwa, at that stage a consultant to the Executive Secretary of AOMA (and currently adviser to the President of AOMA). The draft was circulated to AOMA's regional organisations for validation. Two of the regional organisations considered the



publication and expressed appreciation for the initiative and the content of the publication. However, the Southern Africa regional meeting requested that the publication be updated and improved, particularly to include additional information on the period 1995-2003 as well as developments to date.

To this end, and with the assistance of GIZ, the University of KwaZulu Natal has agreed to undertake the task of improving and adding to the draft AOMA History Book. The purpose of the project was to ensure that the history of the AOMA (and its predecessor organization the AOC), the AORC and all events leading to the establishment of AOMA and the AORC (up to June 2012 when the cooperation

agreement with the African Union Commission was entered into) is well recorded and available to be published. During the last quarter of 2012, the research team, Mr David Barraclough and Ms Betsie Greyling, contacted key stakeholders for an interview based on their invaluable contribution to the establishment of AOMA and the AORC.

The official launch of the AOMA history book entitled *AN AFRICAN JOURNEY TOWARDS GOOD GOVERNANCE: THE HISTORY OF THE AFRICAN OMBUDSMAN AND MEDIATORS ASSOCIATION* took place on Monday, 18 February 2013 at the Howard College's Law Faculty, in the University of KwaZulu Natal, Durban.



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# Editorial comment



**Adv. Thuli Madonsela**

**WELCOME TO THIS** the fifth edition of the African Ombudsman Today, and the first publication for 2013. We hope you have had a chance to enjoy a restful and enjoyable end-of-year break. In this issue we reflect on the outcomes of some important events, such as the AORC Board meetings, the publication of the AOMA History Book and training initiatives.

During the IOI World Conference held in November 2012 in New Zealand, a meeting was held between representatives of AOMA and the IOI. It was agreed that a Memorandum of Understanding should be established between AOMA and the IOI in order to further develop possible ways of cooperation to the mutual benefit of the two organizations. A draft Memorandum of Understanding was discussed, which is fairly broad in its provisions, and is mainly aimed at strengthening the bond between the two organizations. It follows from these discussions, that our feature article highlights some of the outcomes of this meeting, and their impact on members of AOMA.

This year 2013 is a year for review of our work and roll-out of projects in terms of the AOMA – AUC Joint Cooperation Framework.

As always, the Secretariat is eager to receive your contributions to the newsletter.

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

# Word from the President

**DEAR MEMBERS OF AOMA** and Friends of the Ombudsman institution in Africa, this is more than a year that the Executive Committee meeting in Namibia, has developed and adopted a model framework for the creation and functioning of the Ombudsman institution.

While we are waiting for this framework to be finally ratified by all members of the General Assembly, a number of international organizations have already shown their interest and admiration for this document. This reflects not only the enthusiasm aroused by the institution of the Ombudsman, but also and especially the quality of this model framework that was inspired by the Paris Principles on the institutions of Human Rights.

In our successive appearances at the United Nations Conference on Institutions for Protection of Human Rights in the Portuguese-speaking countries (Cape Verde in October 2012); at the technical consultation of the African Union on the establishment of credible Anti-Corruption Commissions (Dakar in September 2012 then Bujumbura in December 2012), this framework model has been cited as an example, a phenomenon that should now be our satisfaction and pride.

Several achievements have also been recorded on the front of the promotion of the image of the AOMA, including the continued presence of the AOMA in recent high-level conferences across the continent.

However, no one can turn a blind eye and forget the path that lies before us which is very long and full of challenges that must absolutely be overcome.

This is a great opportunity for me to speak on behalf of the AOMA of our support to some of our members who have recently gone through one of the most difficult periods of the existence of their respective offices. I would like to raise here the solidarity of all our members to our colleague, Judge Tujilane CHIZUMILA of Malawi who is constantly bullied and threatened because of his commit-



**Dr. Paulo Tjipilica**



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ment to fulfil his functions. Significant efforts are currently underway to apply the Malawian authorities to ensure their protection and that of the institution of Ombudsman in Malawi.

Our support is also going to our brothers and sisters in Mali and Libya, a country trying to recover after the conflicts that have recently shaken them, and of which offices of the Ombudsman has not yet begun to function effectively.

It is also in this climate of optimism in constant challenges that I would like to salute our inexorable colleague of Sudan, the Honourable Judge Abuzeid Mohammed Ahmed, who recently retired after serving successively as a member of the AOMA, 2nd Vice-President of AOMA, Permanent Representative of AOMA at the African Union and now, and hopefully for a very long time, as Honorary Member of the Executive Committee. On appointment by the Execu-

tive Committee, his duties as Permanent Representative to the African Union will now be occupied by our Ethiopian colleague, the Chief Ombudsman Foziya Amin. We have no doubt that Mrs Amin Foziya will accomplish this noble task with dedication and success, judging by his commitment and that of his country, the Ethiopian Federal Democratic Republic, to promote and assist in the AOMA's activities.

Today, AOMA and friends of the Ombudsman in Africa have reason to be optimistic, but we are currently in a phase where the achievements of the past as well as current and future challenges require us to redouble our efforts and vigilance. It is time to mobilize, *seria series tractanda sunt*.

**DR PAULO TJIPILICA**  
**PRESIDENT OF AOMA**  
**PROVEDOR DE JUSTIÇA, ANGOLA**

## PANWISE RETREAT

# ***Aoma's Participation in the Second Retreat of the African Union's Panel of the Wise and Related Organisations in Addis Ababa, Ethiopia, 11 – 12 April 2013***

**FOLLOWING THE INVITATION** of Ambassador Ramtane Lamamra, the AU's Commissioner for Peace and Security, the President of AOMA, Dr Paulo Tjipilica, took part in the second retreat of the AU's Panel of the Wise and related organizations from 11 to 12 April 2013 in Addis Ababa, Ethiopia.

The meeting saw the coming together of representatives of the AU's Panel of the Wise and high-level AU officials with members of the Panels of the Wise of the Economic Community of West Africa (CEDEAO), the South African Development Community (SADC), the Common Market of Eastern and Southern Africa (COMESA) and the Group of Reference and Mediation.

Other participants in the retreat included the Contact and Mediation Group of the Intergovernmental Authority for Development (IGAD) and the secretariats of the Economic Community of the Central African States (CEEAC), the East African Community (CAE), the Arab-Maghreb Union (UMA) and the Sahelo-Saharan Community (CEN-SAD). Also present were members of various other mediation-related institutions, such as pension and pastoral councils.

The conference was organized in the same mould as the

first retreat of the Panel of the Wise, which took place on 5 June 2012 in Ouagadougou, Burkina Faso. At this inaugural conference, the AU's Panel of the Wise met with the Friends of the Panel of the Wise, similar organizations within the various regional economic communities of Africa, as well as with certain selected international Ombudsman.

At this meeting, all those present were reminded of the need for strengthening relations and of creating a certain uniformity among their organizations, linking their continental and regional initiatives in conflict-resolution, allowing for the causes taken up by Ombudsman or Ombudsman institutions at a local level. In light of this, the participants resolved to work together to create a Pan-African platform of the Wise (PANWISE), in order to promote growth in the mediation field, to promote collaboration on various activities, to consolidate their partnerships and to advocate the African agenda for peace and security across the African population – to local communities, to governments, to civil society and to individuals.

It was in light of this that the AOMA's President was invited to share with the other delegates the experiences, triumphs and challenges encountered by an Ombudsman on a daily basis, in their field of broad conflict resolution and

prevention between ordinary citizens and the administrative public.

Making the most use of this platform, Dr Paulo Tjipilica reminded those present that the majority of conflicts begin at a local or community level and that the absence of capable conflict-resolution organizations at a grass-roots level only serves to contribute to frustration which, in turns, aggravates the conflict. The fact that citizens often find themselves voiceless and devoid of support can drive them to take matters into their own hands – often with violent results. This highlights the need for relevant structures that are capable not only of ensuring the respect for democratic and constitutional due process, but also of providing the wronged citizen with an alternative when it comes to abuse of power at the hands of the government. It is at this stage that the Ombudsman steps in, serving as an impartial mediator and ensuring that justice is given to those who were not adequately protected by the conventional judicial frameworks, offering fully accessible and free service to all.

Speaking of the intrinsic role played by an Ombudsman in the maintaining of democratic and constitutional order, Dr Tjipilica made an impassioned call to all those in attendance, asking them to use their influence to ensure the establishment of Ombudsman offices in each and every African country. He especially emphasized that it does not suffice to merely establish an office in the hopes that immediate results will be seen. AOMA's President used this time to inform the delegates that AOMA has already established a model with regards to the creation and proper functioning of an Ombudsman institution, as a result of

lengthy and involved discussions and drawing from the human rights protection articles found in the Paris Principles.

In a vibrant and animated debate, those in attendance voiced a collective opinion that the AOMA commits itself to promoting and sharing its works with the AU. In addition, all felt strongly that the Ombudsman institution ought to become more and more involved in the resolving and preventing of regional conflicts that seem to never cease in plaguing every corner of the continent. Ambassador Lamamra revealed that, insofar as the African Union Commission is concerned, the role of the Ombudsman is one that is highly regarded, most especially when it comes to the prevention of conflicts at a national level. He expressed his desire for the AU to deepen and strengthen its cooperation with the AOMA.

In the final communiqué, which laid down the foundations for the creation of PANWISE (The Pan-African Platform of the Wise), the role of strategic partner was reserved for all regional organizations involved in the promotion of peace in Africa, including, among others, the AOMA. The AU's Panel of the Wise, as well as various other participants, expressed a keen interest in working directly with the AOMA and, more specifically, with its research and training wing, the African Ombudsman Research Centre (AORC).

Judging from the well-received participation of the AOMA at this retreat, it seems only a matter of time before the AOMA and other regional organizations committed to peace and security in Africa, under the guidance of the AU Commission, enter into a new phase of fruitful collaboration.



## REPORT BACK ON AORC AND AOMA MEETINGS

# AOMA EXCO

**THE PRESIDENT OF** AOMA and Angolan Provedor de Justicia, Dr Tjipilica graciously hosted an Executive Committee Meeting from 18 – 21 March 2013 in Luanda, as agreed in Windhoek last year.



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The meeting focused mainly on the preparation of the 4th General Assembly Meeting (choice of the host, the calendar, preparation of documents and resolutions to be tabled before the GA) as well as the actual implementation of the AOMA/AU Cooperation Operational Plan.

The meeting was graced by the newly appointed AU Commissioner for Political and Social Affairs, Dr Aisha Abdullahi. It was proposed that the next EXCO be held in June 2013 in Burkina Faso.

## REPORT BACK ON AORC AND AOMA MEETINGS

# AORC Board Meetings



**THE 5TH AND 6th** AORC Board meetings held from 8 – 9 November 2012 and 18 – 19 February 2013 at the Howard College Campus, UKZN, Durban, deliberated on the following matters:

- AORC Strategic Plan (underwent intensive review for purposes of adoption and roll-out);
- Staff for the AORC Secretariat: interviews for the appointment of a Director and interns have taken place;
- A programme for capacity building within AOMA was developed;
- A draft Research Programme was discussed;
- Training for Board Members: with the support of GIZ,

the AORC Board of Directors attended a training workshop on 18 February 2013, run by the South African Institute of Directors, on Corporate Governance and Board Effectiveness;

- A draft Operational Policy on Role & Functioning of AORC Relative to AOMA Exco was presented for adoption;
- A Concept paper on Governing and Advisory Boards for AORC was discussed.

A short meeting of the AORC Board was held in Luanda to discuss that Financial Report.



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## REPORT ON AORC PROJECTS

# AORC Strategic Plan

**THE AORC STRATEGIC** Plan was the subject of intense scrutiny at the Board meeting in November. The process afforded the AORC Board and AORC Secretariat an opportunity to reflect on the state of the Centre, the challenges ahead and the sources of support available. In order to fulfill AORC's mandate strategic objectives were formulated and incorporated which outline AORC's aspirations and its long-term impact. The AORC Strategic Plan was adopted with amendments at its 6th Board Meeting in February 2013.

## Research

**THE AORC, IN** partnership with the UKZN School of Law is embarking on a research project to conduct a comparative analysis of legal systems amongst AOMA member countries.

The AOMA landscape is in the process of being scrutinised, after enduring many challenges as individual offices and as members of AOMA, especially in respect of the diversity of legal systems governing their structures. Against this backdrop it is prudent for the AORC, as one of its maiden research projects, to undertake a comparative analysis of the various legal regimes in existence among AOMA members.

This comparative analysis will seek to reveal what the challenges and strengths are of the various Ombudsman offices in Africa; what are the areas of differences and similarities amongst them; and what can be done to introduce a degree of harmony with the aim of developing normative standards for the AOMA members. The core objective of this analysis is to inform AOMA's future strategy and planning processes.

A survey questionnaire will be disseminated to all AOMA members, who are encouraged to complete and return to the research team. This will be followed by in-depth interviews with a sample of members.



## Training

**AS PART OF** its capacity building strategy and in line with its 2006-2011 strategic plan, the Ethiopian Institute for the Ombudsman (EIO) planned to build the professional capacity of its staff by, among others, organizing a training/study tour with the African Ombudsman Research Center(AORC).

The objectives of the training/study tour were:

- To allow the staff of EIO and its newly recruited staff to gain experience in management, administrative and operational issues of running an Ombudsman through exchanges with other well-established Ombudsman Offices and academic institutions



- To familiarize the staff of EIO to the working procedures and modalities of operation in well established Ombudsman offices.
- To establish contacts and acquire knowledge on best practices of Ombudsman offices in differing and similar legal and political contexts
- To allow the staff to gain experience in case management, case handling, investigation, witness interviewing, project management, planning, monitoring and evaluation and related administrative and operational issues through on the job experience in well-established Ombudsman Offices
- To gain practical experiences on how ombudsman offices operate in a decentralized structure( both in federal and unitary systems)

From 4 – 7 December 2012, the AORC, in partnership with the Institute of Professional Legal Training (also based at

the University of KwaZulu Natal) provided a training course for 7 officials from the EIO, who were joined by officials from the office of the KwaZulu Natal Provincial Ombudsman and the Ombudsman of the Ethekweni Municipality. Training covered the following main topics:

1. History, role, functions and mandate of statutory Ombudsman;
2. Basic Reasoning, Speaking and Writing Skills;
3. Complaints reception and administration;
4. Complaints handling;
5. Specialised writing skills;
6. Dealing with vulnerable groups;
7. Evaluation of information;
8. File management.

Nominated officials were required to attend the whole course and were awarded a certificate of attendance.

## GENERAL NOTICES

# General Assembly

**THE LAST AOMA EXCO** in Luanda proposed that a follow-up visit be made to Kenya to initiate arrangements for the next General Assembly. However, the Ombudsman of Kenya has withdrawn the offer to host the next General Assembly. We now find ourselves in the invidious position of requiring a host for a long overdue AOMA General Assembly. This matter will be discussed at the next AOMA Exco from 18 – 20 June 2013 in Burkina Faso. Members interested to host this august body are encouraged to contact the Executive Secretary.

# AORC Interns

**WE WELCOME THE** two newly appointed interns to the AORC. They are Mr Frang Ngomu and Ms Susan Foley, who have both studied at the UKZN. They will be assisting the AORC for a year.

**Mr Ngomu Franky Lwelela** has a Bachelor Degree of Social Sciences majoring in Information Systems and Technology and Internet Studies at UKZN; and a Post School (FET Certificate) in Informatics and Office Management (DRC). He is currently doing a part-time Post Grad Diploma in Management at UKZN. He is able to use most common software, data warehouse software, statistical software, accounting software, and Project management software. His work Experience includes Data Man-



ager at UKZN INNOVATION for 2 years, and Area Manager for Vuvuzela Communication (an IT Consulting and Software design Organisation in KwaZulu Natal) for 2 years. He has gained experience in Data management, Web Management, Networking, Data collection Data Capturing, analysis and reporting, IT consulting, E-commerce and other Administrative duties as well as Computer Repair/upgrade, and related Internet communication and management field during the period of Studies and other part-time works. He is currently working as Intern at the AORC, focussing on Communication and Advocacy.

**Ms Susan Foley** recently graduated from the UKZN School of Languages with a Bachelor of Arts Honours (cum laude) in French. Her undergraduate



majors were French and Translation Studies – two subjects that will be put to good use during her tenure as Intern at the African Ombudsman Research Centre. While a student, she worked part-time at the Alliance Française de Durban. In her post-graduate year, she was awarded a bursary by the French Embassy in South Africa to live and work in France for a 7 month period, an experience which deep-

ened her appreciation for the French language and culture. Her main area of focus at the AORC is Training and Research – that is, the organization of training programmes for Ombudsman officials across Africa and the organization of research papers pertaining to the existence, history and processes of the Ombudsman office in Africa.

## USEFUL PHRASES IN THREE LANGUAGES

**IN AN EFFORT** to alleviate some of the language-related challenges within our membership, we are including some useful phrases as a standing item in the newsletter. We welcome suggestions for other phrases to be part of the next edition.

ENGLISH	PORTUGUESE	FRENCH
Yes	Sim	Oui
Please	Por favor	S'il vous plait
No	Não	Non
Thank you	Obrigado	Merci
Excuse me	Desculpe	Excusez-moi
Good morning	Bom dia	Bonjour
Good afternoon	Boa tarde	Bonjour
Good evening	Boa noite	Bonsoir
Goodbye	Adeus	Au revoir
How are you?	Como está ?	Comment allez-vous ?
I am fine, thank you	Estou bem, obrigado	Très bien, merci
Come in	Entre	Entrez
What is your name?	Como se chama?	Comment vous appelez-vous?
My name is...	Chamo-me...	Je m'appelle
Where do you live?	Onde vive?	Où habitez-vous?
How much does it cost?	Quanto custa?	Combien ça coûte?
Where is...?	Onde é...?	Où est...?
What is this/that?	O que é isto/isso?	Qu'est-ce que c'est ?
Why?	Porquê?	Pourquoi?
I know	Eu sei	Je sais
I don't know	Não sei	Je ne sais pas
I am sorry	Lamento	Je suis désolé
Look out!	Cuidado!	Attention!
I speak...	Falo...	Je parle...
I don't understand	Não compreendo	Je ne comprends pas
What time is it?	Que horas são?	Quel heure est-il?
I am in a hurry	Estou com pressa	Je suis pressé
I would like...	Gostaria de.../Queria... [depends on context]	J'aimerais...

### **CONTACT THE AORC SECRETARIAT**

***Adv. Ishara Bodasing (Acting Director)***

*African Ombudsman Research Centre,*

*E526 Dennis Shepstone Building, Howard College Campus,*

*University of KwaZulu-Natal, Durban-South Africa, 4001*

*Landline: +27 31 260 3768; Cell: +27 83 411 2875; Fax: + 27 31 260 3824*

*Email: [ishara.aorc@gmail.com](mailto:ishara.aorc@gmail.com) or [Bodasing@ukzn.ac.za](mailto:Bodasing@ukzn.ac.za)*

*Skype: [Ishara.bodasing](https://www.skype.com/people/Ishara.bodasing)*

*Website: [www.aoma.ukzn.ac.za](http://www.aoma.ukzn.ac.za)*



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ASSOCIAÇÃO DOS OMBUDSMAN E MEDIADORES AFRICANOS

# African Ombudsman *today*

**PUBLISHED BY ADV THULISILE MADONSELA  
EXECUTIVE SECRETARY  
AFRICAN OMBUDSMAN AND MEDIATORS ASSOCIATION**

Private Bag X677 • Pretoria • 0001  
Telephone: +27 12 366 700 • Fax +27 12 362 8918  
[www.africanombudsman.org](http://www.africanombudsman.org)  
[www.aorc.ukzn.ac.za](http://www.aorc.ukzn.ac.za)

175 Lunnon Street • Hillcrest Office Park • Hillcrest • Pretoria  
Republic of South Africa