



منظمة الموفقين والوسطاء والرقابيين الأفارقة
African Ombudsman and Mediators Association
Association des Ombudsman et Mediateurs Africains
Associaçãodos Ombudsman eMediadores Africanos

MINUTES OF THE 11TH EXECUTIVE COMMITTEE MEETING HELD IN WINDHOEK, NAMIBIA ON THE 30TH AUGUST, 2016

PRESENT

1. **Hon. N'golo Coulibaly** - 1st Vice President, Côte d'Ivoire
2. **Hon. Dr. Mohamed Rukara** - 2nd Vice President, Burundi
3. **Hon. Dr. Otiende Amollo** - Secretary General, Kenya
4. **Hon. Caroline Sokoni** - Treasurer, Zambia
5. **Hon. Adv. Thuli Madonsela** - Chairperson of AORC, South Africa
6. **Hon. Adv. John Walters** - IOI President, Namibia
7. **Hon. Dr. Paulo Tjipilica** - Former President of AOMA, Angola
8. **Hon. Leshele Abel Thoahlane** - South Region Coordinator, Lesotho
9. **Hon. Monique Andreas** - Oceanic Region Coordinator, Madagascar

SPECIAL AUTHORIZED REPRESENTATIVE

1. **Seyoum Leul** - Ethiopia

APOLOGIES

1. **Hon. Dr. Fozia Amin** - President, Ethiopia
2. **Hon. Ali Soulyemane Bachar** - Central Region Coordinator, Chad
3. **Hon. Alima Deborah Traoré** - West Region Coordinator, Burkina Faso

IN ATTENDANCE

1. **Leonard Ngaluma** - Ag. Executive Director, AOMA
2. **Arlene Brock** - Executive Director, AORC
3. **Kevin Malunga** - South Africa
4. **Bonginkosi Dhillamini** - South Africa

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| 5. Elsabe De Waal | - South Africa |
| 6. Belinda Moses | - South Africa |
| 7. James Boshomane | - South Africa |
| 8. Pannan Souleymane Coulibaly | - Côte d'Ivoire |
| 9. Gualdino Da Silva | - Côte d'Ivoire |
| 10. Manuel Da Costa | - Angola |
| 11. Yvelise Bettencourt | - Angola |
| 12. Chipili Katunasa-Magayane | - Zambia |
| 13. Bwalya Chipasha | - Zambia |
| 14. Juma Rukumbi | - Burundi |
| 15. Evariste Nditije | - Burundi |
| 16. Eskinder Kebede | - Ethiopia |
| 17. Mots'elisi Makhele | - Lesotho |
| 18. Alain Georges | - Madagascar |
| 19. Elmi Pretorius | - Namibia |
| 20. Franky Lwelela | - South Africa, AORC Secretariat |
| 21. Hilda Ojiambo | - Kenya, AOMA Secretariat |

AGENDA

1. Apologies, constitution of the meeting/quorum
2. Adoption of the Agenda
3. Consideration and approval of the minutes of the 10th Exco meeting
4. Matters Arising
5. Report of the AOMA President – for noting
6. Report of the Secretary General – for noting
7. Report of the Chairperson of AORC – for noting
8. Reports of the Regional Representatives
9. The 5th General Assembly
10. Commendation List for the General Assembly
11. Amendment of AOMA Constitution
12. Draft Membership Guidelines
13. Applications for Membership
14. Burundi update
15. AOB

OPENING

The 1st Vice President called the meeting to order at around 10.30 a.m. He thanked the Ombudsman of Namibia and IOI President for hosting the meeting and invited the host to make opening remarks. Delegates were thereafter welcomed to the meeting and the Secretary General then proceeded with confirmation of quorum as per the Constitution of AOMA and adoption of the agenda. Discussions on AOMA finances as requested by AOMA Treasurer and Public Protector of Zambia and AU Observer Guidelines developed by the Office of the President were adopted as further agenda items.

The Secretary General then proposed to go through the minutes of the 10th Executive Committee meeting held in May, 2016 in Lusaka, Zambia. Members agreed to the proposal.

MIN 11/1/2016: CONSIDERATION AND APPROVAL OF THE MINUTES OF THE 10TH EXECUTIVE COMMITTEE MEETING

- 1.1. The Secretary General led participants in perusal of the minutes of the 10th Executive Committee meeting, following which participants took note of matters arising.
- 1.2. The minutes of the 10th Executive Committee meeting were adopted following a proposal by the Ombudsman of Lesotho which was seconded by the Ombudsman of Angola.

MIN 11/2/2016: MATTERS ARISING

- 2.1. It was noted that most regional reports had still not been received as per *Min. 10/6/2016 – 6.5* of the last Executive Committee meeting.

MIN 11/3/2016: REPORT OF THE PRESIDENT– FOR NOTING

- 3.1. The President's absence from the meeting and apology on grounds of illness was noted.
- 3.2. It was also noted, for the reasons in *Min. 11/3/2016 – 3.1* above, that there would be no report of the President.

MIN 11/4/2016: REPORT OF THE SECRETARY GENERAL – FOR NOTING

- 4.1. The report presented by the Secretary General was well received, noted and approved.
- 4.2. The report of the Secretary General highlighted several issues for members' deliberation and decision-making.
- 4.3. Agenda items number 9, 10, 12 and 13 were covered under the report of the Secretary General.
- 4.4. It was first of all noted that a decision had been reached at the 14th AORC Board meeting in July, 2016 that the 5th General Assembly would be hosted in Durban by AORC, with support from the Office of the Public Protector of South Africa.
- 4.5. Having dispensed with the issue of a host for the General Assembly, the Ombudsman of Burundi proposed that the precise dates of the General Assembly be set.
- 4.6. Members resolved that the 5th General Assembly be held from 2nd November to 6th November, 2016.
- 4.7. Pursuant to *Min. 9/2/2015 – 2.12* of the 9th Executive Committee meeting where it had been resolved that previous AOMA members who had served the association distinctively would be commended at the General Assembly, the Secretary General invited members to propose suitable persons for commendation.
- 4.8. It was resolved that members with suggestions on suitable persons for commendation should put forward their suggestions to the Secretary General for onward transmission to the President.
- 4.9. Pursuant to *Min. 10/4/2016 – 4.5* of the 10th Executive Committee meeting, the Secretary General reported that draft Membership Guidelines had been circulated to all AOMA members for comments which had been incorporated into a revised draft.

- 4.10. The Secretary General also brought to the attention of members pending membership applications from the Military Ombuds and the Western Cape Provincial Police Ombudsman, both of South Africa. He highlighted that the consideration of the applications was subject to adoption of the draft Membership Guidelines, pursuant to the decision of the 10th Executive Committee meeting in *Min. 10/4/2016 – 4.6*.
- 4.11. Members resolved that the Military Ombuds and the Western Cape Provincial Police Ombudsman be admitted to AOMA as associate members provided that associate members would be entitled to pay only half of the membership subscription fee paid by ordinary members.
- 4.12. As regards voting on AOMA matters, members resolved that the Ombudsman of a country would vote on behalf of his country delegation where a country has more than one member in AOMA.
- 4.13. It was also resolved that the adopted Membership Guidelines take immediate effect but will be approved at the 5th General Assembly.
- 4.14. The draft Membership Guidelines were noted and adopted save for the resolutions above in *Min. 11/4/2016 -4.11, 4.12 and 4.13*.
- 4.15. On financing of AOMA strategic plan and work plans, the Secretary General reported that AORC had acceded to the request pursuant to *Min. 10/4/2016 – 4.10* of the 10th Executive Committee meeting and relevant documentation regarding the solicitation of a consultant for the work and the choice of Prof. Ayeni had been availed to AORC. Official contracting of the consultant is awaiting AORC internal approvals.
- 4.16. The Secretary General informed members that registration of AOMA as a company limited by guarantee in Kenya had been completed and that the next step would be to explore conferment of diplomatic status on AOMA.

MIN 11/5/2016: REPORT OF THE CHAIRPERSON OF AORC – FOR NOTING

- 5.1. The report presented by the Chairperson of AORC and the Executive Director was well received, noted and approved.

- 5.2. The report focused on AORC governance and administration, highlighting that AORC now has a substantive Executive Director and noted that the centre still operates with basic staff but the new Executive Director would now be in a position to recruit additional staff.
- 5.3. AORC Executive Director also noted that herself, AORC Board and University of KwaZulu-Natal were in the process of finalizing AORC strategic plan.
- 5.4. It was reported that the Secretary General of AOMA, Dr. Amollo, IOI Regional Director, Hon. Traoré, and Former President of AOMA, Dr. Tjipilica, had been co-opted into the AORC Board during the 14th AORC Board Meeting in July, 2016. The Chairperson of AORC noted that this would bring AOMA discussions into AORC and enhance joint efforts.
- 5.5. Members were then informed that the AORC Board had approved a new study on enforcement of ombudsman decisions and that it will be conducted in 16 countries. A jurisprudential study on constitutional decisions relevant to ombudsman institutions was also said to be in the offing.

MIN 11/6/2016: REPORTS OF REGIONAL REPRESENTATIVES

- 6.1. The reports of the Central Africa and Indian Ocean regions were duly noted.
- 6.2. All other regions had not availed their reports to the Secretariat ahead of the Executive Committee meeting.
- 6.3. Country reports from Namibia and Lesotho were also noted.
- 6.4. Except for the Central Africa region that has a regional meeting scheduled at the sidelines of the peace conference in Burundi, it was noted that it may not be possible to hold the other regional meetings before the 5th General Assembly and a proposal made that these regional meetings be held at the sidelines of the General Assembly.

MIN 11/7/2016: AOMA FINANCES AND STATUS OF MEMBERSHIP CONTRIBUTIONS

- 7.1. The Secretary General presented a report detailing membership contributions and arrears for the years 2015 and 2016 together with the current AOMA Financial Statement and account of expenditure which were duly noted.
- 7.2. In line with the adopted Membership Guidelines, it was clarified that the membership of the South African Banking Services Ombudsman was now associate and that the membership subscription of \$1,000 already paid by the Banking Services Ombudsman shall cover the years 2016 and 2017.
- 7.3. Concern was raised on delayed payment of annual membership arrears despite reminders to members. It was resolved that the AOMA Secretariat will send further reminders to members ahead of the 5th General Assembly.

MIN 11/8/2016: REPORT OF THE AOMA CONSTITUTIONAL AMENDMENT COMMITTEE

- 8.1. The Chairperson of the Constitutional Amendment Committee, the Public Protector of Zambia, presented draft Terms of Reference for amendment of the AOMA Constitution.
- 8.2. It was agreed that resolutions from the 14th AORC Board Meeting be included in the draft terms as agenda item no. 13.
- 8.3. It was also agreed that the draft terms of reference should be circulated to all regional coordinators by the Secretariat ahead of the General Assembly to enable consultations on constitutional amendments by all regions as they are expected to meet before the General Assembly or at the sidelines of the General Assembly.
- 8.4. It was however noted that amendment proposals pursuant to the draft terms could not be adopted at the 5th General Assembly as the Constitution required a period of 90 days' notice of amendment to members and only 60 days remained to the General Assembly.
- 8.5. Members raised concern on paragraphs 1 and 7 of the draft terms that sought to address the location of the AOMA headquarters and guidelines for membership respectively as the Executive Committee had already decided

to refer the question of AOMA headquarters to Prof. Ayeni and membership guidelines had already been developed pursuant to previous decisions of the Executive Committee.

- 8.6. Further concern was raised with regard to the paragraph on 'delegation of the scope of work' as members noted that the Constitutional Amendment Committee itself was acting on delegated authority and delegated authority could not be delegated.

MIN 11/9/2016: WORKSHOP ON NATIONAL MECHANISMS FOR PREVENTION OF TORTURE – IVORY COAST

- 9.1. The Mediator of Cote d'Ivoire provided an update of the forthcoming workshop dubbed "*National Mechanisms for Prevention of Torture*" that will be organized in Abidjan in early 2017 by the office of the Mediator in collaboration with the International Ombudsman Institute (IOI) and the Association for Prevention of Torture (APT).
- 9.2. The above was pursuant to *Min. 10/10/ 2016* of the previous meeting of the Executive Committee and was duly noted.

MIN 11/10/2016: BURUNDI UPDATE

- 10.1. The Ombudsman of Burundi presented a summary of efforts made by his office in pacifying the situation in the country.
- 10.2. It was noted that an international conference on inter-religious dialogue for peace and prevention of conflict in Africa will be held in Bujumbura in September, 2016 as part of pacification efforts.
- 10.3. It was also noted that the regional meeting of the AOMA Central Africa region will be held at the sidelines of the international conference in Bujumbura.

MIN 11/11/2016: DRAFT AU OBSERVER GUIDELINES

- 11.1. Draft AU Observer Guidelines developed by the Office of the President were noted and a request made by the representatives of the President for the Guidelines to be circulated to Executive Committee members for comments.

11.2. Consideration of the draft AU Observer Guidelines was deferred to the next Executive Committee meeting.

MIN 11/12/2016: AOB

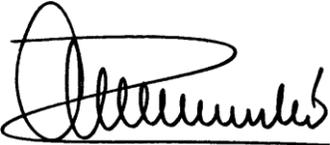
12.1. It was resolved that membership applications from the National Council for Human Rights of Egypt and the Federal Chamber of Justice for Public Service Workers of Sudan would be considered only after the two applicants availed information that had been requested by the Secretariat regarding their constitutive documents, jurisdiction, mandate and powers, process of appointment of ombudsman or equivalent, independence of decision-making, accountability in terms of reporting, and how the institutions are financed.

12.2. As part of AOMA and AORC advocacy efforts, the importance of following up on the bilateral agreement and action plan signed with the African Union was pointed out.

12.3. On accreditation of AOMA with the UN, it was noted that IOI President and Ombudsman of Namibia should be consulted in this effort as IOI already has representation at UN Headquarters in New York.

12.4 There being no other business, the meeting was adjourned at 16h30.

SIGNED on this **4th** day of **October** 2016



HON. DR. OTIENDE AMOLLO, EBS
SECRETARY GENERAL, AOMA

SIGNED on this day of 2017

HON. DR. FOZIA AMIN
PRESIDENT, AOMA