



منظمة الموفقين والوسطاء والرقابيين الأفارقة

African Ombudsman and Mediators Association  
Association des Ombudsman et Médiateurs Africains  
Associação dos Ombudsman e Mediadores Africanos

OFFICE OF THE SECRETARY GENERAL  
NAIROBI – KENYA

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**MINUTES OF THE 5<sup>TH</sup> AOMA GENERAL ASSEMBLY HELD IN DURBAN, SOUTH AFRICA  
ON THE 4<sup>TH</sup> NOVEMBER, 2016**

**PRESENT**

1. **H.E. Fozia Amin**, Ombudsman of Ethiopia & AOMA President
2. **H.E. N'golo Coulibaly**, Ombudsman of Côte d'Ivoire & 1<sup>st</sup> Vice-President of AOMA
3. **H.E. Dr. Mohamed Rukara**, Ombudsman of Burundi & 2<sup>nd</sup> Vice-President of AOMA
4. **H.E. Dr. Otiende Amollo**, Ombudsman of Kenya & Secretary-General of AOMA
5. **H.E. Caroline Sokoni**, Ombudsman of Zambia & AOMA Treasurer
6. **H.E. Abdoulaye Affadine Abdel-Rassoul**, Ombudsman of Chad & AOMA Regional Coordinator for Central Africa
7. **H.E. Bahame Nyanduga**, Ombudsman of Tanzania & AOMA Regional Coordinator for East Africa
8. **H.E. Monique Andreas Esoavelomandroso**, Ombudsman of Madagascar & AOMA Regional Coordinator for Indian Ocean
9. **H.E. Leshele Abel Thoahlane**, Ombudsman of Lesotho & AOMA Regional Coordinator for Southern Africa
10. **H.E. Alima Deborah Traore**, Ombudsman of Burkina Faso & AOMA Regional Coordinator for West Africa
11. **H.E. Busisiwe Mkhwebane**, Ombudsman of South Africa & Chairperson of AORC
12. **H.E. John Walters**, Ombudsman of Namibia & President of the International Ombudsman Institute
13. **H.E. Antonio Fonseca**, Ombudsman of Cape Verde
14. **H.E. Joseph Whittal**, Acting Ombudsman of Ghana
15. **H.E. Nasar Hassan**, Ombudsman of Libya
16. **H.E. Martha Chizuma**, Ombudsman of Malawi
17. **H.E. Sidahmed Abdy**, Ombudsman of Mauritania

18. **H.E. Soleman Hatteea**, Ombudsman of Mauritius
19. **H.E. José Ibraimo Abudo**, Ombudsman of Mozambique
20. **H.E. Ali Sirfi**, Ombudsman of Niger
21. **H.E. Cissé Alioune Badara**, Ombudsman of Senegal
22. **H.E. Judge Edmond Cowan**, Ombudsman of Sierra Leone
23. **H.E. Ahmed Abuzaid Ahmed**, Ombudsman of Sudan
24. **H.E. Awa Nana-Daboya**, Ombudsman of Togo
25. **H.E. Bernadette Kanzayire**, Deputy Ombudsman of Rwanda
26. **H.E. Kevin Malunga**, Deputy Ombudsman of South Africa
27. **H.E. Wangadya Fauzat Miriam**, Deputy Ombudsman of Uganda
28. **H.E. Lieutenant-General Matanzima**, South African Military Ombud
29. **Mr. Thougouh Zourkarneyni**, Special Representative of the Ombudsman of Benin
30. **Prof. John Mubangizi**, Deputy Vice Chancellor, College of Law and Management Studies, University of KwaZulu-Natal (UKZN)
31. **Prof. Managay Reddi**, Dean and Head of Law School, UKZN
32. **Adv. Arlene Brock**, Director of the African Ombudsman Research Centre
33. **Adv. Louisa Zondo**, Chief Executive Officer, Public Protector, South Africa
34. **Ms. Dineo Matlhako**, African Renaissance Fund of the South African Department of International Relations and Co-operation (DIRCO)

## APOLOGIES

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|---------------------------------------|------------------------------------|
| 1. <b>Hon. Dr. Paulo Tjipilica</b>    | - Former President of AOMA, Angola |
| 2. <b>Hon. Dora Zatte</b>             | - Seychelles                       |
| 3. <b>Hon. Dr. Kassim Issak Osman</b> | - Djibouti                         |
| 4. <b>Hon. Fatou Jallow</b>           | - The Gambia                       |
| 5. <b>Hon. Gen. Facine Touré</b>      | - Guinea                           |
| 6. <b>Hon. Baba Akhib Haïdara</b>     | - Mali                             |
| 7. <b>Hon. Jeanne Kombila</b>         | - Honorary Member, Gabon           |

## AGENDA

1. Apologies, constitution of the Assembly/Quorum
2. Adoption of the Agenda of the General Assembly
3. Approval of the Minutes and Resolutions of the 4<sup>th</sup> General Assembly

4. Consideration of the Progress Report of AOMA President and Secretary General
5. Consideration of Financial Statements and the Audit Report
6. Approval of Polices, Plans and Programmes of AOMA for Implementation by the Executive Committee
7. Assessment of Progress and Development of the Association
8. Celebration of the 50<sup>th</sup> Anniversary of the Ombudsman in Africa
9. Adoption of Resolutions of the 5<sup>th</sup> General Assembly (if any) and Declaration of the 6<sup>th</sup> General Assembly
10. Any Other Business

## **OPENING**

The Secretary General of AOMA, H.E Dr. Otiende Amollo welcomed the delegates to the 5th General Assembly at around 10.00 am. He made special mention of the delegate from Cape Verde, H.E. Antonio Fonseca, a new member who was attending his maiden General Assembly, and the delegate from Libya, H.E. Nasar Hassan, who was attending after a long time. The Secretary General also made special mention of the second Vice President of AOMA and the Ombudsman for Burundi, H.E. Dr. Mohamed Rukara who, besides attending the meeting as 2nd Vice President, was also making his maiden attendance as the President of CIPM, which had been admitted to AOMA membership on the 3<sup>rd</sup> November, 2016. 27 member countries were represented at the General Assembly.

### **MIN 5/1/2016: APOLOGIES, CONSTITUTION OF THE ASSEMBLY/QUORUM**

The Secretary General then proceeded with confirmation of quorum as per the Constitution of AOMA. As 15 of the 27 members present were in good standing, the General Assembly was declared quorate as per the provisions of the AOMA Constitution. Seven members were absent with apology.

### **MIN 5/2/2016: APPROVAL OF THE MINUTES AND RESOLUTIONS OF THE 4<sup>TH</sup> GENERAL ASSEMBLY**

2.1. The Secretary General informed delegates that he had not received minutes of the 4<sup>th</sup> General Assembly and that he could not confirm that the minutes

were taken as he was only elected Secretary General at the conclusion of the meeting.

- 2.2. The Secretary General further informed delegates that the copy of resolutions he had received pursuant to the 4<sup>th</sup> General Assembly had not been signed and requested members to note the contents of the resolutions even if they could not adopt them for want of signature.
- 2.3. It was resolved that members who had attended that particular General Assembly could point out if there were any documents fundamentally inconsistent with the resolutions in the absence of which the resolutions could be noted.

**MIN 5/3/2016:      CONSIDERATION OF THE PROGRESS REPORT OF THE PRESIDENT**

- 3.1. The report of the President pointed out that AOMA has been striving to strengthen Ombudsman Institutions throughout Africa by means of sharing knowledge, experience, ideas and training, in order to promote good governance.
- 3.2. The President explained that she had used the opportunity of AOMA Executive Meetings to engage with top officials in the hosting countries about their role in fostering good governance, human rights, rule of law and democracy, as well as strengthening Ombudsman and Mediator Institutions in their respective regions.
- 3.3. She also explained that she had attended AORC Board meetings in the period under consideration in order to strengthen the role of the Centre to enhance the capacity of AOMA. She stressed the importance of building the capacity of AOMA member countries through advocacy, information sharing and research.
- 3.4. The President reported that her office had further developed draft Observer Status Guidelines with a view to enhance AOMA's observer status within the African Union and had at the same time written to the AU to request accreditation for Dr. Tjipilica, Ombudsman of Angola and former AOMA

President, who was appointed at the 11<sup>th</sup> Executive Committee meeting as AOMA observer to the AU.

- 3.5. The President also reported that the Board of the International Ombudsman Institute (IOI) had agreed to subsidize a capacity-building programme conducted by AOMA to the value of € 7 000, which would be transferred as soon as AOMA had implemented the project as per the application proposal submitted to the IOI by the Office of the President.
- 3.6. The report of the President was well received and noted.

**MIN 5/4/2016:            CONSIDERATION OF THE PROGRESS REPORT OF THE SECRETARY GENERAL**

- 4.1. The Secretary General began by noting that the report would be his last as he had planned to relinquish his posts as Ombudsman of Kenya and Secretary General of AOMA by the end of the year.
- 4.2. The Secretary General thereafter sought the permission of members to consolidate agenda item no. 4 with items no. 6 and 7 in the interest of time.
- 4.3. With the members' permission, the Secretary General then highlighted ten key developments that had taken place in AOMA under his stewardship.
- 4.4. The developments in 4.2 above included: review and drafting of the AOMA Constitution; drafting of membership guidelines; convening of Executive Committee meetings and the General Assembly within constitutional timelines; registration of AOMA as a legal entity in Kenya; consolidating membership revenues; auditing of AOMA accounts; translation of documents to French; visits to member countries; increased membership; and commemoration of 50 years' anniversary of the Ombudsman in Africa.
- 4.5. The Secretary General noted that the following activities had commenced but were yet to be finalized: development of a new strategic plan for AOMA; development of Observer Guidelines for participation in the African Union; accreditation of AOMA with the UN; up-to-date membership contributions; and consistent convening of regional meetings.

- 4.6. The report of the Secretary General was well received. Members hailed the contribution of the Secretary General and extended their well wishes to his future endeavours following his announcement of voluntary resignation.
- 4.7. The regional coordinator for Indian Ocean, H.E. Monique Andreas Esoavelomandroso, joined her colleagues in congratulating the Secretary General, but expressed regret that the Indian Ocean region was not visited during the Secretary General's tenure. The regional coordinator also expressed her desire to have the region host a meeting of AOMA as well as the need to invite other countries of the region such as the Union of Comoros to join AOMA.

**MIN 5/5/2016:        CONSIDERATION OF FINANCIAL STATEMENTS AND THE AUDIT REPORT**

- 5.1. Presentation of the Financial Statements and Audit Report covering the years 2015 and 2016 was done by the Acting Executive Director of AOMA, Mr. Leonard Ngaluma.
- 5.2. It was explained that the report would have usually been presented by the auditors but due to limited funds, the Association was not in a position to meet the cost of bringing the auditors from Nairobi to Durban.
- 5.3. The key issues brought out by the auditors after interrogating the finances for 2015 and 2016 were the lack of an accounting systems software and inconsistent membership contributions.
- 5.4. Members were encouraged to pay up their membership arrears to enable the Association grow and operate smoothly. It was further noted that resources for the work of the Association have been in the past two years supplemented by the Office of the Ombudsman of Kenya where the Association's secretariat is based but this was not sustainable.
- 5.5. The acting Executive Director concluded by noting that as of 30<sup>th</sup> September, 2016, the Association's received revenues stood at US \$67 725.

- 5.6. After proposal and secondment by two members from the floor, the financial statements and audit report were approved by the General Assembly.

**MIN 5/6/2016: CELEBRATION OF THE 50<sup>TH</sup> ANNIVERSARY OF THE OMBUDSMAN IN AFRICA**

- 6.1. The Public Protector of South Africa, Advocate Busisiwe Mkhwebane arranged a special celebration dinner to commemorate the 50th Anniversary of the Ombudsman in Africa since establishment of the first African Ombudsman, Tanzania's Permanent Commission for Enquiry which was established in 1966 and subsequently replaced by the Commission for Human Rights and Good Governance (CHRAGG).
- 6.2. During the celebration, previous members who had served the Association distinctively were recognized and commended.
- 6.3. The celebration was graced by a representative of the Premier of KwaZulu-Natal who was the guest of honour.

**MIN 5/7/2016: ADOPTION OF RESOLUTIONS OF THE 5<sup>TH</sup> GENERAL ASSEMBLY (IF ANY) AND DECLARATION OF THE 6<sup>TH</sup> GENERAL ASSEMBLY**

- 7.1. Draft Membership Guidelines presented for ratification were ratified and adopted by the General Assembly.
- 7.2. The Assembly also resolved to authorize the President and the Secretary General to sign the Resolutions of the 4th General Assembly, as a reflection of what accurately transpired at that meeting.
- 7.3. The Assembly further resolved to adopt a policy of intervening by way of communiques only when a request is made from member countries or regional representatives of the region from which a member hails.

**MIN 5/8/2016: AOB**

- 8.1. It was recommended that just as AOMA has two Vice Presidents, it should also have a Deputy Secretary General so that institutional memory is not lost when the bearer of the office of Secretary General leaves.
- 8.2. The Constitutional Amendment Committee, led by the Public Protector of Zambia, H.E. Caroline Sokoni, was tasked with implementation of Minute 5/8/2016 – 8.1 above.
- 8.3. H.E the Ombudsman of Tanzania expressed concern that AOMA was expanding its activities with limited resources by seeking accreditation with the UN and invited members to consider how this expansion and active participation would be sustained with limited funding. He recommended rather that the work and activities of AOMA are planned incrementally, based on the capacity of the Association.
- 8.4. It was resolved that the observation in Minute 5/8/2016 – 8.3 above including the question of such costs associated with the observer status, both at the AU and the UN would be considered in the observer guidelines, which are currently in a draft form and will be re-circulated to members for comments.
- 8.5. The suggestion by H.E. the Ombudsman of Madagascar to invite the Comoros to join AOMA was well received. Members encouraged the Ombudsman and Regional Coordinator of Indian Ocean Region to follow up on the suggestion.
- 8.6. There being no other business, the meeting was adjourned at 17h30.

**SIGNED** on this

day of

2017

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**DR. REGINA G. MWATHA, MBS**  
**ACTING SECRETARY GENERAL, AOMA**



**SIGNED** on this

day of

2017

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**HON. FOZIA AMIN  
PRESIDENT, AOMA**