

AFRICAN OMBUDSMAN AND MEDIATORS ASSOCIATION (AOMA)

MINUTES OF THE EXECUTIVE COMMITTEE MEETING

15TH and 17TH MARCH 2011, DURBAN – SOUTH AFRICA

PRESENT AT THE MEETING

Name and Title	Position and Country
1. Dr. Paulo Tjipilica	Provedor de Justica, Angola
2. Mr. Baku Raphael Obudra	Inspector General of Government, Uganda
3. Adv. Thulisile Madonsela	Public Protector, South Africa
4. Mrs. Fozia Aliye Amin	Chief Ombudsman, Ethiopia
5. Adv. Soleman Mamode Hattea	Ombudsman of Mauritius
6. Mr Paulin Pomodimo	Mediateur, République Centre Africaine
7. Adv John Walters	Ombudsman, Namibia and IOI Regional Representative
8. Mme Amina Ouedraogo	Mediateur, Burkina Faso and IOI Regional representative

IN ATTENDANCE

Name	Country
9. Adv. Mamiki Shai	South Africa
10. Mr. Themba Mthethwa	South Africa
11. Mr. Pierre Ndagirwa	Angola
12. Mr Sello Mthupi	South Africa
13. Ms Charlotte Malonda	Malawi
14. Mr Matthieu Adouhoukonou	Benin
15. Ms Grace Phiri	Zambia
16. Prof Victor Ayeni	GMSI
17. Mme Manomba Kombila	Gabon
18. Mr Abiaham Bengaly	Mali
19. Mr Gamius Haidara	Mali
20. Mme Monique Andreas	Madagascar
21. Justice Edmond Cowan	Sierra Leone
22. Mme Gertrude Maile-Paule	Seychelles
23. Mr David Makumbi	Uganda

*Who comes to EXCO?
Why is the EXCO, 2011
not subscribed?
See copy of agenda?*

APOLOGIES

1. Mrs. Caroline Sokoni	Investigator General, Zambia
2. Judge Mohammed Abuzeid Ahmed	President of the Public Grievances and Corrections Board, Sudan

AGENDA

1. Communication from the Chairperson
2. Constitution of the Meeting / Quorum
3. Adoption of the agenda
4. Consideration of Minutes of the Executive Committee Meeting held in Kampala
5. Consideration of the Report of the AOMA President
6. Consideration of the Report of the AOMA Executive Secretary
7. A.O.B.

1. COMMUNICATION FROM THE CHAIR

- 1.1 *Welcomed* The AOMA President welcomed members to the EXCO meeting. *All to note*
- 1.2 *Indicated* He indicated that members from the Northern African region could not make it due to political unrests, particularly in Libya, Egypt, Tunisia, Sudan, and Mauritania. He further apologized for other members who could not make it to the meeting. *All to note*
- 1.3 *Acknowledged* The presence of the Namibian and International Ombudsman Institute representative, Adv Walters, an Ex Officio member, was acknowledged. The President also acknowledged the presence of the Acting Mediator of Mali and conveyed his and AOMA's heartfelt condolences on the passing of Madame Diarra. *All to note*

2. CONSTITUTION OF THE MEETING / QUORUM

- 2.1 *Enquired* AOMA President enquired from the Executive Secretary if the members present form a quorum for the meeting to proceed.
- 2.2 *Confirmed* The AOMA Executive Secretary reported that in terms of Article 13 of AOMA Constitution, at least 6 EXCO members form a quorum. She noted the presence of the President (Dr Paulo Tjipilica), First Vice President (Mr. Baku Raphael Obudra), Executive Secretary (Adv Thuli Madonsela), Indian Ocean (Adv. Soleman Mamode Hattea), Central African (Mr Paulin Pomodimo), East African (Mrs. Fozia Aliye Amin) and Southern African Regional (Ms Grace Phiri) representatives.
- Members present were noted and it was confirmed that there was quorum and the meeting was duly constituted.
- 2.3 *Confirmed* Adv Walters from Namibia and Mme Amina Ouedraogo from Burkina Faso, IOI delegates and *Ex Officio* members were EXCO members and should be invited to all EXCO meetings.

3. ADOPTION OF THE AGENDA

- 3.1 *Requested* AOMA President requested the Executive Secretary to table the draft meeting agenda for consideration and formal adoption.
- 3.2 *Resolved* The Executive Secretariat presented the proposed agenda and enquired if there are any additional items to be added to it.
- It was resolved that the following items will be added to the Agenda:
- 3.2.1. IOI brief report by Adv Walters: He will brief EXCO about IOI matters;
- 3.2.2. A briefing from the Mali representatives. The representatives attended following the death of the Second Vice President Madam Diarra.
- 3.3 *Adopted* AOMA Executive Secretary read the draft meeting agenda with amendments as resolved and it was formally adopted by members present.

4. CONSIDERATION OF THE MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD IN KAMPALA

- 4.1 *Indicated* The Executive Secretary indicated that the Kampala minutes were circulated and proposed that they be adopted. *All to note*
- 4.2 *Adopted* The minutes were approved with the following amendments: *All to note*
- a) Correction of the titles on page 1;
 - b) Add Angola on page 8; and
 - c) General Assembly to be replaced by EXCO on page 10 paragraph 7.1.

5. CONSIDERATION OF THE REPORT OF THE AOMA PRESIDENT

- 5.1 *Presented*
- 5.1.1 The President presented his report (**Annexure A**). *All to note*
 - 5.1.2 The President remarked that one of AOMA's critical challenges is lack of funds. He thanked GIZ and the South African government for their financial assistance. He said that AOMA needs more funding and that the Association should consider increasing membership fee.
 - 5.1.3 On the relationship with the African Union (AU), the President presented a letter from AU in which AOMA is accorded an observer status at AU meetings.
 - 5.1.4 The President reported on his successful visit to the Indian Ocean Region where he met the President of Mauritius and also attended a regional meeting of AOMA.
 - 5.1.5 The President paid tribute to the Second Vice President, Madam Diarra, who passed on in a car accident and indicated that he had visited Mali to convey his and AOMA's condolences.
 - 5.1.6 On the issue of the hosting of the 4th AOMA General Assembly in 2012, the President requested members to decide on the matter following the death of Madam Diarra. He asked whether Mali should proceed to host the General Assembly or should a new country be nominated to host. He reminded members that Presidential elections will also take place during the 2012 General Assembly
 - 5.1.7 The President thanked the Executive Secretary, other EXCO members and the Public Protector South Africa's CEO, Mr Mthethwa and encouraged all to make the Association strong.
 - 5.1.8 The Mali representative, Mr Bangali, was given platform to comment following the death of Madam Diarra. He thanked EXCO for giving him an opportunity to participate in the proceedings after the death of their Ombudsman. He indicated that the Head of State of Mali is in the process of appointing a new Ombudsman and that he is here as Mali representative and is expected to report back to the Head of the State.

On Mali's hosting of the next General Assembly in 2012, he reported that Mali was still willing to host.

- 5.2 *Discussed* 1) It was resolved that Mali should inform the President and the Executive Secretary on progress regarding the hosting of the 4th *All to note*

General Assembly.

- 2) Members praised and thanked the President for such a comprehensive report as it reflected all that were accomplished since the Uganda meeting.

6. CONSIDERATION OF THE REPORT OF THE EXECUTIVE SECRETARY

6.1 Presented 6.2.1 The Executive Secretary presented her report (EXCO Report 01/20110, including financial statements (attached) giving an account of AOMA activities since the last EXCO meeting held in Kampala, Uganda in July 2010. *All to note*

6.2.2 The Executive Secretary reported that she has been trying to implement resolutions taken at the Kampala meeting. The report not only provided an overview of action taken in pursuit of such directives, but also provided an account of activities of the Secretariat's successes and challenges faced.

6.2.3 AOMA Resolutions

The following were the resolutions of the last EXCO meeting:

- a) Angola to finalise the Luanda General Assembly report and table it at the next EXCO meeting;
- b) A fully functional AOMA Secretariat to be established by the Executive Secretary;
- c) Resources to be mobilized for AOMA; and
- d) AOMA needed to be strengthened and made more visible.

6.2.4 Administration of AOMA

- a) Public Protector South Africa continues to operate as the administrative headquarters of AOMA. It was reported that the Libyan Ombudsman has been requested to close the AOMA bank account in Tripoli and transfer the monies to the AOMA account in South Africa, but there has been no response. The intervention of the Ambassador of Libya in South Africa has been sought, but the situation in Libya has made communication difficult.
- b) The process of appointing AOMA administrator and AORC staff is underway.

6.2.5 AOMA Newsletter

- a) The Executive Secretary reported that the first issue of AOMA electronic newsletter, *African Ombudsman Today*, was published in December 2010. She thanked Uganda, Ethiopia and Mauritius for their contributions.
- b) The newsletter has been printed in three languages, English, French and Portuguese and was distributed at the launch having already been circulated electronically.

6.2.6 AOMA Strategic Plan

The Executive Secretary reported that the strategic plan took

place at the University of KwaZulu Natal the previous day and that the finalized document would be available in the next EXCO, but the draft is to be circulated soon after the Durban EXCO meeting.

6.2.7 AORC Launch

- a) The AORC would be launched in the afternoon. The Executive Secretary reported that the process to register AORC as a Section 21 Company according to South African Company law was underway.
- b) The Board of Directors of AORC comprises: Adv T Madonsela (Chairperson), Dr P Tjipilica (AOMA Representative), Mr T Mthethwa (Public Protector South Africa Representative) and Prof M Reddi (UKZN Representative) and additional members from Burkina Faso and Sierra Leone.
- c) Appointment of staff has commenced and offices are now available at the University of Kwazulu-Natal.

6.2.8 AOMA Constitution

The Executive Secretary reported that no progress has been made due to the Second Vice President's passing on. She recommended that the Constitution Subcommittee be reconstituted.

6.2.9 Needs Assessment

The Executive Secretary reported that since the last EXCO meeting in Kampala, GIZ consultants were appointed to facilitate a needs assessment process. She thanked all who responded to the questionnaires. The needs assessment validation workshop would take place on 16 and 17 March 2011 as part of the launch of AORC.

*Repmnt
awaited*

6.2.10 Appreciation

The Executive Secretary thanked the UKZN for their hospitality and assistance in making this meeting and the rest of the programme possible. She also thanked GIZ, Department of International Relations and Cooperation, His Excellency the President of the Republic of South Africa, the Premier of KZN and Executive Mayor of eThekweni and AOMA President.

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6.2.11 Condolences

The Executive Secretary recorded her condolences to the Mali delegation for Madame Diarra's untimely death. She further thanked AOMA members that had sent condolences in response to the announcement her office circulated.

6.2.12 Financial Statements

Financial statements for 2009 and 2010 were circulated to all members. The Executive Secretary indicated that the statements did not reflect expenses on this event. She noted that AOMA funds in Libya were still outstanding and requested direction on how to proceed.

6.2.13 Recognition of AOMA

The Executive Secretary reported on efforts to get AOMA being recognized by the Government of South Africa. Several meetings with the Department of International Affairs and Cooperation have been held and discussions are ongoing to achieve formal recognition and members will be kept abreast on developments.

Thanked

6.2.14 Challenges

The Executive Secretary reported that most of the challenges presented in Kampala are still prevalent, e.g. irregular subscription payments and secretariat inadequacies.

6.2.1.5 Members thanked the Executive Secretary for a comprehensive report.

6.2 Discussed

Madam Kambilla requested that the AOMA South African bank account be circulated to all members. It was resolved that the account will be circulated by end of the meeting.

All to note

7. REGIONAL REPORTS

<i>7.1 Presented</i>	<p>East Africa</p> <p>7.1 The report (attached) was presented by the Ethiopian Chief Ombudsman;</p> <p>7.2 It was reported that the region is still facing communication challenges that lead to coordination between and amongst members being difficult. Attempts to improve networking systems are being made in order that the region is better coordinated.</p> <p>7.3 Efforts are being made to lobby the Ethiopian government to recognize AOMA and embassies are also being engaged with the purpose of promoting AOMA and getting their respective countries to appreciate the importance of the Ombudsman Institution.</p>	
<i>Offered</i>	<p>7.4 The Chief Ombudsman of Ethiopia offered to host the next AOMA EXCO meeting.</p>	
<i>Condolences</i>	<p>7.5 The region also expressed its condolences to the Office of the Ombudsman of Mali subsequent to the passing on of their Ombudsman, Madame Diarra.</p>	
<i>Presented</i>	<p>Indian Ocean</p> <p>7.6 The report (attached) was presented by the Mauritian Ombudsman.</p> <p>7.7 It was reported that the President of AOMA visited the region in February 2011 where he held meetings with the Regional Representative of the Indian Ocean, Adv Hattea, The President for the Republic of Mauritius,</p>	

<p><i>Recommended</i></p> <p><i>Condolences</i></p> <p><i>Presented</i></p> <p><i>Proposed</i></p> <p><i>Agreed</i></p>	<p>Sir Anerood Jugnauth and the AOMA Indian Ocean members.</p> <p>7.8 The meeting with Adv Hatteea was to get an appraisal of the state of AOMA affairs in the Region and plan for the subsequent meetings with the President of Mauritius and AOMA members.</p> <p>7.9 At the meeting with the Mauritian President, the AOMA President briefed the Mauritian President about AOMA and its objectives and the Mauritian President congratulated AOMA and the Mauritian Ombudsman for the sterling job they are doing and pledged his government's continued support.</p> <p>7.10 The meeting with AOMA members in the Indian Ocean region committed itself to growing AOMA membership in the region and also recommended that the AOMA subscription fee be increased to US\$1000.</p> <p>7.11 A message of condolences was sent to the Office of the Ombudsman of Mali after the passing on of their Ombudsman, Madame Diarra.</p> <p>CENTRAL AFRICA REPORT</p> <p>7.12 Mr Pomodimo presented the report (attached) and congratulated the new EXCO which administers AOMA excellently.</p> <p>7.13 He reported that he visited Chad, Gabon and Congo. The visit culminated into a meeting held in Central Africa in January 2011 in which Gabon, Benin, Chad attended. The theme of the meeting was "Mediation, chance for Central Africa citizens". The next meeting is scheduled to be in Libreville in 2012.</p> <p>7.14 He proposed that there is a need for a communication link between the Executive Secretary and the Regions.</p> <p>7.15 He also proposed that AORC should also be used as a platform where French- speaking Ombudsman could perfect their English and vice versa.</p> <p>7.16 He reported that Chad wants to join AOMA and request information on application for AOMA membership. There was a debate whether there is criterion used to accept new members. It was agreed that Article 5 of the Constitution provides that an application for membership should be directed to the Executive Secretary and must be in writing. The Executive Secretary will then advise EXCO on the admission or rejection of the application. If EXCO rejects the advice, the matter is appealable to the General Assembly. Members conceded that there is not written criterion for admission of new members.</p> <p>It was agreed that there is a need to have such a document to avoid disputes.</p>	
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<i>Presented</i>	<p>West Africa 7.17. There was no representative from West Africa to present a report.</p>	
<i>Thanked</i>	<p>Southern Africa 7.18. The Southern African representative, Madam Sokoni, was not available to present a report. A representative from Zambia, however, presented a report. She congratulated Adv Madonsela for a sterling work in administering the Secretariat and the launch of AORC. She said the former AOMA President was willing to donate materials to AORC, but at a cost. She proposed that AOMA should develop its own website. She further suggested that AOMA should sign MOUs with institutions such as GMSI for purposes of training.</p> <p>The President thanked the presentation and indicated that this could not be accepted as the Southern African report. The report was noted.</p>	

8. ADOPTION OF MEETING RESOLUTIONS

8.1 Resolved

On the various issues that were discussed, the following resolutions were adopted by the Executive Committee Meeting:

All to note

1. The Strategic Plan

The Strategic Plan 2011 – 2016 shall be drafted in compliance with the Strategic Goals and Values which were isolated during the strategic planning meeting on Monday the 14th of March, 2011; the Strategic Plan shall be circulated by the Executive Secretary within a few weeks and shall be informed by, among others, the following principles:

- a. The communication between the Executive Secretariat and the Association's Regions on the one hand, and the coordination within the regions on the other hand, shall be improved through specific actions which have to be clearly defined in the Strategic Plan 2011 – 2016.
- b. The Membership of the Association has to be increased and widened, in accordance with a membership criteria document which will be drafted and circulated by the Constitutional Committee.

- c. Payment of the Subscription Fees is increased from Five Hundred American Dollars on a sliding scale of One Thousand American Dollars to Five Thousands American Dollars for countries such as South Africa with effect from 1st January 2011. All Members should pay all the outstanding and current subscriptions by 31 May, 2011.
- d. The Executive Secretary works with the facilitator of the strategic planning meeting of the 14th of March 2011, Prof. Ayeni in finalizing the Strategic Plan.

2. Regional Reports

The Executive Committee adopts the reports presented by the President, the Executive Secretary and the Regional Representatives.

3. Accreditation of AOMA by AU Commission

The Executive Committee also receives with satisfaction the successful conclusion of the process of accreditation within the African Union initiated by the President of AOMA and supports the status of an observer within the African Union Commission as well as the project of a Cooperation Agreement to be signed between AOMA and the African Union.

4. Word of appreciation

The Executive Committee expresses its heartfelt appreciation to the President of the Republic of South Africa, HE JG Zuma for addressing the launch of the AORC and providing his support, words of wisdom and commitment to the Association's endeavor to promoting Good Governance in Africa.

The Executive Committee also expresses its sincerest appreciation to the Public Protector South Africa and all the members of her staff, South African Department of Justice and Constitutional Development, South African Department of International Relations and Cooperation, Premier of KwaZulu Natal, German Cooperation

Agency (GIZ), Executive Mayor of eThekweni and the University of KwaZulu Natal, particularly the faculty of Law, for the successful launch of the African Ombudsman Research Centre.

5. AORC operation

The Executive Committee notes the progress made in the staffing process of AORC and urges the Executive Secretary to proceed with deliberate speed to complete the staffing process and the commencement of AORC operations.

6. Needs Assessment

The Executive Committee also notes the report on the needs assessment process and urges the Executive Secretary to ensure that the outcomes of the Needs Assessment Workshop of the 16th and 17th of March 2011 are taken into account in the operations and plans of the AORC.

7. Condolences

The Executive Committee notes with sadness the untimely passing away of the Second Vice President Adv Mbam Diatigui Diarra and records its sympathy to the office of the Mediator of the Republic and the people of Mali. AOMA awaits the appointment of the new Mediator of the Republic and the filling of the vacancy of the position of the Second Vice President is deferred until the next Executive Committee Meeting.

8. Authorisation to recover AOMA monies

The Executive Secretary is authorized to utilize any means possible to recover AOMA's monies in its bank account in Tripoli, Libya, including the use of diplomatic channels.

9. Next EXCO Meeting

The next Executive Committee Meeting should take place before the end of August 2011 in Addis Ababa, Ethiopia.

*What is the
Role of the
AORC in
this
meeting.*

10. Next General Assembly

The Executive Committee reaffirms its General Assembly Resolution to hold the next General Assembly Meeting in Mali, in March 2012.

11. AORC matters

It was further agreed that the AORC Board of Directors' report should be a standing agenda in all AOMA EXCO meetings.

9. A.O.B

IOI REPRESENTATIVE

9.1 Presented

9.1 Mr Walters, Namibian Ombudsman and IOI representative presented a report on IOI activities. He reported that there are only 10 African members on the IOI. He proposed that AOMA should elect its Board of Directors to serve on the IOI General Assembly meetings. He indicated that the next IOI meeting is in New Zealand in April 2012 and coincides with the 50th anniversary of the existence of the New Zealand Ombudsman. Another Sharpening your Teeth workshop would be held in Namibia from 16 until 19 May 2011.

Requested

9.2 He requested clarification on what is a Section 21 Company, meaning of the AORC Logo and AORC funding period.

Indicated

The Executive Secretary indicated that a Section 21 Company is a company not for gain and that the Board will administer AORC. With reference to the logo, she reported that AORC Board commissioned somebody to assist. On donor funding, she indicated the current funding is over a three year period. Operational funding of AORC comes from the South African government with GIZ providing technical assistance. The Executive Secretary reported that she would meet with the Minister of International Relations and Cooperation on the regularization of the funding. She reported further that there would be a donor funding conference with the UK High Commissioner and GIZ is willing to assist.

10. CLOSURE OF THE MEETING

Thanked

The President and the Executive Secretary officially closed the meeting by thanking all members for their participation.