

# AFRICAN OMBUDSMAN AND MEDIATORS ASSOCIATION (AOMA)

## MINUTES OF THE EXECUTIVE COMMITTEE MEETING

29<sup>TH</sup> – 30<sup>TH</sup> JULY 2010 KAMPALA – UGANDA

### PRESENT AT THE MEETING

Name and Title	Position and Country
1. Dr. Paulo Tjipilica	Provedor de Justica, Angola
2. Judge Mohammed Abuzeid Ahmed	President of the Public Grievances and Corrections Board, Sudan
3. Mr. Baku Raphael Obudra	Inspector General of Government, Uganda
4. Ms. M'Bam Diarra	Director de Cabinet, Mali
5. Adv. Thulisile Madonsela	Public Protector, South Africa
6. Mrs. Caroline Sokoni	Investigator General, Zambia
7. Mrs. Fozia Amin Aliye	Chief Ombudsman, Ethiopia
8. Mr. Soleman Mamode Hattea	Ombudsman of Mauritius

### IN ATTENDANCE

Name	Country
9. Mr. TP. Mthethwa	South Africa
10. Ms. J. Nkabinde	South Africa
11. Mr. Pierre Ndagirwa	Angola
12. Mr. J. Domingos	Angola
13. Mr. H. De Brito	Angola
14. Mr. B. Mbuzi	Zambia
15. Mr. Troare	Mali
16. Mr. Ahmed Mohamed Yusuf	Ethiopia
17. Mr. Adanech M. WoldeJohannes	Ethiopia
18. Ms. Christine Mugerwa	Uganda
19. Mr. Simon kajura	Uganda
20. Ms. Munira Ali	Uganda
21. Mr. Israel E. Ochwo	Uganda

### AGENDA

1. Communication from the Chair
2. Constitution of the Meeting / Quorum
3. Adoption of the agenda
4. Consideration of Minutes of the Executive Committee Meeting held in Luanda
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 their first meeting since their election to office. *All to note*

1.2 *Noted* AOMA President noted that since formation of the association remarkable work had been done and credited the outgoing team for creating a good association. He also noted that members need to be able *All to note*

to follow up the work of the past team and that challenges await them with the task ahead

- 1.3 Urged* He therefore urged members to work towards achieving the strategic goals of the Association. *All to note*
- 1.4 Thanked* He extended heartfelt gratitude to the governments of the individual ombudsman offices and the organizers of the meeting for the support extended to AOMA and towards making the current meeting a success. *All to note*
- 1.5 Concluded* He concluded his remarks by wishing members fruitful deliberations. *All to note*
- 1.6 Invited* AOMA President invited the First Vice President, Mr. Baku Raphael Obudra, Ombudsman of Uganda to make some welcoming remarks as host of the meeting.
- 1.7 Welcomed* The First Vice President, Mr. Baku, welcomed members to Uganda and thanked members for choosing Uganda to host the current meeting. He informed members that Uganda was just recovering from terror attacks by the Al Shabab terrorists which had occurred on July 11, 2010. He noted that such attacks show the lack of good governance, disregard for the rule of law and human life and called on the AOMA executive committee meeting to call on other African states to work towards bringing peace to Somalia. *All to note*

## **2. CONSTITUTION OF THE MEETING / QUORUM**

- 2.1 Requested* The AOMA President requested the Executive Secretary to confirm that there was sufficient quorum for the AOMA Executive Committee to be duly constituted.
- 2.2 Confirmed* AOMA Executive Secretary informed the meeting that apologies had been received from the representatives of; Western Africa, Central Africa and North Africa.
- Members present were noted and it was confirmed that there was quorum and the meeting was duly constituted.

## **3. ADOPTION OF THE AGENDA**

- 3.1 Requested* The AOMA President requested the Executive Secretary to table the draft meeting agenda for consideration and formal adoption.
- 3.2 Resolved* It was noted that although the Executive Committee had been tasked to get reports from outgoing President and Outgoing Executive Secretary, it had failed to do so and it was proposed that the issue be closed.
- It was accordingly resolved that since there were no reports from the former Outgoing President and Outgoing Executive Secretary this item be deleted from the agenda.
- 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 LUANDA**

- 4.1 Informed*      The AOMA Executive Secretary informed members that the Report from the Luanda General Assembly and Executive Committee meetings had not been received She however indicated that the resolutions from both meetings had been received and were being implemented.      *All to note*
- 4.2 Resolved*      The report to be finalised by Angola and to be tabled at the next Executive Committee Meeting.      *Executive Secretary to note*

#### **5. CONSIDERATION OF THE REPORT OF THE AOMA PRESIDENT**

- 5.1 Presented*      AOMA President presented his Plan of Action (EXCO Report 01/2010) wherein he outlined a historical overview of AOMA which was established in Ouagadoagou, Bukina Faso in 2003 when the Association's Constitution was adopted. He laid out the following five goals adopted by AOMA:      *All to note*
1. Establish AOMA's presence;
  2. Increase AOMA's Membership;
  3. Develop the capacity of member offices;
  4. Improve communication and dissemination of information;
  5. Mobilize resources

He pointed out that whereas some of the goals were being implemented others were yet to be implemented.

He noted that since 2003 AOMA membership has increased significantly but that the Executive Committee elected in Ouagadoagou mostly remained the same until April 2010 when the General Assembly gathered in Luanda, Angola and elected new office bearers. The Angola Ombudsman (*Provedor de Justiça*) was elected as AOMA President and the Public Protector of South Africa as the Executive Secretary.

He informed members that during an official visit to South Africa, it was agreed that a draft strategic plan 2010 – 2014 covering the current Executive Committee's term be prepared and tabled in the next Executive Committee Meeting for further input, final approval and adoption. The strategic plan would be informed by the content of previous strategic plans and the objectives expressed during the last General Assembly held in Luanda, Angola.

5.2 *Discussed* The following issues were raised in discussion of the Report presented by AOMA President: *All to note*

- 1) All discussants thanked the President for the report as well as his efforts to meet the President of the African Union Mr. Jean Ping and called AOMA to be involved in African Union activities in conflict resolution and proposed that this be pursued vigorously while the aim of at least obtaining for AOMA observer status at the African Union.
- 2) It was proposed that AOMA President meets Advocate B. Gawanas formerly the Ombudsman of Namibia who is now at the African Human Rights Commission to assist in the African Union processes.
- 3) Members proposed that effort should also be made not just to be observers but following the European Union model of the EU Ombudsman AOMA should also seek to have an AU Ombudsman.
- 4) The President however proposed a go slow approach in involvement in African Union activities preferring that for the beginning AOMA seek only an observer status and follow up on the others later. The President's position was adopted with a recommendation that this be sought while taking care to avoid involvement in the political activities of the AU.
- 5) It was also proposed that an approach be made through the Heads of States of the African Union to get non-member states to join AOMA.
- 6) The President also noted the question of a permanent home for AOMA and proposed that Angola can follow up and see if it can host a home for AOMA in its new building that is under construction.

## 6. CONSIDERATION OF THE REPORT OF THE EXECUTIVE SECRETARY

6.1 *Presented* The Executive Secretary presented EXCO Report No: 02/2010) giving an account of the activities of AOMA since the last Executive Committee Meeting and General Assembly which took place in Luanda, Angola in April 2010. *All to note*

### **AOMA Logo**

The Executive Secretary explained the meaning of the AOMA logo and sought an Executive Committee resolution on amendment of the Logo to accommodate Arabic and Portuguese which are the other official languages of AOMA.

### **AOMA Secretariat**

On the administration of AOMA, the Executive Secretary pointed out that a previous resolution had stated that the Office of the Public Protector in South Africa continue to second an administrative secretary to perform the day-to-day duties of AOMA in line with the AOMA Constitution provision placing the administration of AOMA under the Executive Secretary. It was further pointed out that South

Africa retained the position of Executive Secretary and that it had been resolved at the General Assembly that a letter be written to Libya requesting that the offices that had been allocated for AOMA Secretariat be closed. The Executive Committee was requested to officially retract the resolution placing AOMA Secretariat in Libya and reaffirm the position of South Africa.

#### **AOMA Newsletter**

On the AOMA Newsletter, the Executive Secretary reported the the Office of the Public Protector in South Africa was ready to undertake production of the AOMA Newsletter. She however recommended that the Executive Committee resolves that the Newsletter be circulated electronically twice a year and that the frequency could be revised after a year. The Executive Committee was further requested to make a resolution on financing of the Newsletter and make contributions on editorial content.

#### **AOMA Strategic Plan**

It was reported that AOMA had a strategic plan but some aspects remained unimplemented. It was pointed out that whereas the General Assembly that was held in Angola in April 2010 sought to adopt a strategic plan to guide the current Executive Committee no discussion had taken place. It was therefore proposed that the Executive Committee:

- a) Adopts no more than 7 strategic goals;
- b) Identifies short term goals to be achieved before the next Executive Committee Meeting;
- c) Directs the Secretariat to develop and circulate a strategic plan to be adopted at the next Executive Committee Meeting.

#### **Progress made on resolutions adopted by the AOMA General Assembly held in Luanda (April 2010)**

It was reported that the General Assembly held in Luanda, Angola in April 2010 had adopted the following resolutions and some progress had been made as follows:

- a) To set up mechanisms to establish partnerships with international organizations that have ties with AOMA. It was reported that ties continue to be maintained with the International Ombudsman Institute and related bodies.
- b) To create mechanisms needed for AOMA adhesion to the African Union. It was reported that the President and Executive Secretary had met on 27<sup>th</sup> May 2010 and agreed to pursue exploratory work on AOMA's possible affiliation to the United Nations and to formalize its status with the African Union.
- c) To elect an ad hoc Committee and task it with revising AOMA statutes. It was proposed that Madam Diarra be tasked with leading the ad hoc Committee and that all regions nominate a person to serve on this Committee.
- d) To authorize the Executive Committee to request AOMA activity reports and other documents from the out-going President and Executive Secretary. It was reported that in May 2010, AOMA President and Executive Secretary had written to Madam Farouk and Advocate Mushwana requesting closing reports as directed by the General Assembly but by the time of the current Executive Committee meeting no reports had been received. It was proposed

that the Executive Committee should consider closing this chapter because no reports would be forthcoming.

### **AOMA Membership**

It was reported that since the last General Assembly and Executive Committee Meeting that were held in Luanda, Angola in April 2010 AOMA membership had grown to 36 members and Kenya was about to join. The Executive Secretary reported that she had received several inquiries regarding membership from ombudsman institutions in South Africa. She requested the Executive Committee to determine whether to extend membership to other ombudsman entities other than the Parliamentary type ombudsman. Their status would also have to be defined. It was proposed that Regional Representatives provide activity and progress reports in the next Executive Committee Meeting.

### **AOMA Website**

It was reported that AOMA has a website but there is need for improvement.

### **AOMA Research Centre/ Institute**

It was reported that progress had been made in the establishment of the AOMA Research Centre/Institute. A grant to the tune of USD 1,010,000.00 had been secured from the South African Government Multilateral Fund and GTZ Multilateral Fund. A planning meeting held in Pretoria, South Africa on 27<sup>th</sup> May 2010 was chaired by the Public Protector of South Africa had reached concrete agreements on the Project scope, approach and execution. The Planning Meeting was attended by AOMA President and Representatives of GTZ, University of Kwazulu-Natal, the Public Protector South Africa and the Department of International Relations & Cooperation South Africa. The following decisions were made in the Planning Meeting:

- a) A Board be formed to take the process forward and see to the registration of an appropriate structure. The University of Kwazulu-Natal affirmed its commitment and ability to avail infrastructure to the AORC. Thus the AORC can be launched and staff can be contracted in preparation for the launching;
- b) The Chief Executive Officer of the Public Protector South Africa should develop an implementation plan by the end of June 2010 including the AORC founding document / constitution which will result in the establishment of a Memorandum of Understanding with the University of Kwazulu-Natal (UKZN-IPLT) including the 25 focus areas that had been identified.
- c) A technical team be established to support the consultation processes and further facilitate the process of appointing a consultant to conduct ICTAR needs assessment.
- d) An appointed consultant should develop a program informed by the results of the needs assessment process, and that facilitators' and training workshops be arranged as follows:
  - English – RSA
  - French – Mali, Ivory Coast or Morocco
  - Arabic – Libya
  - Portuguese - Angola
- e) A consultant be appointed to develop a Code of Conduct for the members. A draft be prepared, circulated to AOMA then adopted

and approved by AOMA members

*Requested*

The Executive Secretary requested the Executive Committee to make decisions on the following:

- a) On the official launch of AORC
  - Set provisional dates for AORC launch
  - Endorsement of staff recruitment processes which are already underway following the Planning Meeting of May 27, 2010
- b) Scope of AORC activities. The AORC programme or services will focus on 4 critical areas:
  - Providing information
  - Performing a coordinating function
  - Providing training
  - Advocacy of the Africa Ombudsman Association and ombudsmen in general

*Presented*

#### **Financial Statements**

The Executive Secretary presented the Financial Statements for the years 2007 and 2008 and informed the meeting that financial statements for 2009 were in the process of being prepared.

#### **Challenges faced**

The following challenges were faced:

- a) Only 36 countries were members of AOMA and an aggressive advocacy program is required to recruit more members;
- b) Irregular payment of subscription fees by members;
- c) Confirmation of countries which had paid their subscription fees due to failure by such countries to email proof of payment;
- d) There is a need to have a filing and archiving system to preserve institutional memory;
- e) AOMA lacks financial capacity to secure high level permanent staff;
- f) Effectiveness of communication due to diversity of languages among AOMA membership.

*Appreciated*

The Executive Secretary concluded her report by thanking the Inspector General of Uganda and 1<sup>st</sup> Vice President of AOMA for offering to host the first Executive Committee meeting and the President AOMA for his support and dedication. She also thanked Mr. Pierre Ndagirwa for providing urgent French translations of AOMA documents.

*6.2 Discussed*

The following issues were raised in discussion of the report presented by the Executive Secretary:

- 1) In regard to the inclusion of Arabic and Portuguese in the logo as official languages, it was pointed out that there two constitutions one titled African Ombudsman Association and another titled AOMA which are both not dated and it is hard for one to tell which one takes precedence and therefore the need to review and harmonise the two documents.
- 2) Concern was also raised about the place of mediators in AOMA; doubt was expressed about the place of Franco-

*All to note*

phone countries in AOMA which mostly have mediators since AOMA mostly has Anglo-phone countries.

- 3) The President in response reaffirmed AOMA's all inclusiveness pointing out the fundamental uniting points that need to be emphasised. He noted they may be differences in the laws establishing the various member bodies but it is the common points of origin and purpose of these bodies that need to be emphasised.
- 4) The Executive Secretary underscored the Presidents view by pointing out that the key tenets of independence and impartiality cut across all bodies whether in the Franco or Anglo-phone countries.
- 5) It was also pointed out that the differences in laws creating the various institutions should be taken as a diversity from which AOMA can draw from.
- 6) It was also clarified that the African Ombudsman Association constitution is the valid one as the AOMA was prepared as a draft but has never been passed by the General Assembly.
- 7) The President noted that it is clear that members agree on the need for a review of the constitution and proposed that a committee composed of French, English, Portuguese and Arabic countries be constituted for this purpose.
- 8) Regarding the publication of a newsletter, it was suggested that a mandate be granted to the secretariat start the publication of the newsletter immediately.
- 9) On the question of recognition the following countries had official recognition for AOMA; Uganda, Mali, Zambia and Ethiopia. Mauritius and Sudan had de facto recognition while South Africa awaits a formal response from its government.
- 10) Regarding the mobilisation of funds; the need to mobilise resources was underscored and it was proposed that the constitutional review committee also look at the issue of membership fees and other contributions by members. The need for regular payment of fee and clearing of outstanding payments was also emphasised.

## **6. ADOPTION OF MEETING RESOLUTIONS**

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

- 1. *Establishing a fully functional AOMA Secretariat***
  - a. To officially retract the decision to transfer the AOMA Secretariat to Libya.
  - b. To officially retract the decision to close AOMA accounts in South Africa and to authorize the Executive Secretary to cause the transfer of any funds that may have been deposited in the Libyan AOMA account to the AOMA account in South Africa and to have the AOMA account(s) in Libya closed.



- c. To authorize the Executive Secretary, in consultation with the President, to work out modalities for the coordination of the AOMA Secretariat in particular to hire a permanent staff to handle AOMA matters.
- d. Ratify decisions of the Planning Meeting of May 27<sup>th</sup> 2010 on the African Ombudsman Research Centre (AORC) as detailed in Chapter 7 of the Executive Secretary's Report (EXCO 02/2010). Further that the interim Board be constituted into the first Board of AORC for an initial period of two years and to report back to the Executive Committee at the end of that term.
- e. The Secretariat is authorized to appoint a consultant to develop a strategic plan to be considered at the next meeting of the Executive Committee to be held in South Africa.
- f. The Regional Associations be informed that coordination of AOMA is through the Executive Secretary / secretariat of AOMA.
- g. The Secretariat should provide a framework for Regional Coordinators to make activity and progress reports to the Secretariat and during Executive Committee Meetings.

## **2. Mobilisation of Resources for AOMA Activities**

- a. That all member institutions pay their subscriptions regularly and all those in arrears ensure that these are paid as soon as possible into the bank account in South Africa, the details of which will be circulated by the Executive Secretary as soon as possible.
- b. A committee to be constituted to review membership and subscription fees. This committee shall be composed of representatives of Mali, Mauritius, South Africa and Uganda and shall report to the Executive Committee at its next sitting.
- c. The President and Executive Secretary should work out a resource mobilization strategy to source funding for AOMA activities.

## **3. Strengthening AOMA and making it more visible**

- a. A Committee chaired by the 2<sup>nd</sup> Vice President, Madam M'Bam Diarra be and is hereby formed to review the Constitution of AOMA, with a view to prescribing the official languages of AOMA, developing a code of conduct for AOMA members, creation of the position of treasurer, admission of non-parliamentary ombudsman institutions and addressing any matter it may deem appropriate. The Committee composed of representatives from Angola representing Portuguese speaking Africa, Sudan representing Arabic Speaking Africa, Uganda and Zambia representing English speaking Africa. The Committee shall report to the Executive Committee at its next meeting.
- b. The Executive Secretary is mandated to start a Newsletter to be published as a medium of communication among AOMA members; initially producing two publications in a year; and if necessary hire a consultant pending the appointment of

permanent staff to handle secretariat matters. Each member shall be required to appoint a person who shall be a focal person for issues in relation to the newsletter.

- c. The President and Executive Secretary are mandated to pursue the affiliation of AOMA with the African Union Commission and the United Nations Organisation but that affiliation without integration into the African Union and United Nations Organisation in order to preserve the independence of AOMA.
- d. The Executive Secretary ensure that the AOMA website is routinely updated and connected to the website of members so that the activities of AOMA and its members are fully published at the website or accessible through it and if necessary hire a consultant to undertake this task.
- e. All members of AOMA should endeavour to obtain legal and official recognition of AOMA from their respective governments.
- f. The Executive Secretary pursues to conclusion the issue of obtaining official recognition from the South African government.

#### **4. Streamlining Membership of AOMA**

- a. The President, Executive Secretary and Regional Coordinators should encourage Ombudsman and Mediators who are not yet members of AOMA to join the Association; and encourage countries that do not have the institution of Ombudsman or Mediator to establish them.
- b. The President and the Executive Secretary urge the North Africa Region to nominate their representative to the Executive Committee.

#### **5. Others**

- a. The Executive Secretary to pursue the report on outcomes of the General Assembly held in Luanda Angola and authorize a professional editor to compile a publication for purposes of record keeping and to preserve institutional memory.
- b. Authorise the President and the Executive Secretary to appoint auditors to audit the financial statements of AOMA in accordance with AOMA Constitution.
- c. The current Executive Secretary of AOMA, Advocate Thulisile Madonsela is mandated to replace her predecessor Advocate Mushuana as a signatory to all AOMA accounts in South Africa.

## **7. A.O.B**

### *7.1 Presented*

A letter from the North African Region was presented and read to the meeting stating their reasons for not attending the General Assembly. The letter suggested that the Headquarters of Tripoli are no longer viable and reaffirmed the regions commitment to AOMA.

### *7.2 Noted*

It was noted that while the letter was externally positive it had negative undertones and there was also no mention of money sent by members to Tripoli.

*7.3 Resolved* It was resolved that effort be taken to contact the North Africa Region as they had expressed willingness to continue participating in the AOMA activities.

## **8. CLOSURE OF THE MEETING**

*8.1 Thanked* The President thanked the First Vice President, the Inspector General of Government of Uganda and the Staff of the Inspectorate of Government, Uganda for successfully hosting the meeting. He also thanked the members for their fruitful contributions. The meeting was then adjourned.

