



Welcome address by Acting Public Protector Adv. Kholeka Gcaleka during an African Ombudsman Research Centre webinar on the United Nations General Assembly Resolution on the Ombudsman and Mediators on Tuesday, February 23, 2021.

**President of the International Ombudsman Institute (IOI), Ombudsman and Information Commissioner of Ireland, Mr. Peter Tyndall;
Secretary-General of the IOI and Ombudsman of Austria, Mr. Werner Amon;
IOI Africa Regional President and Public Protector of Zambia, Hon. Caroline Sokoni;
Former IOI President and Ombudsman of Namibia, Adv. John Walters;
Ombudsman of Morocco, Judge Mohamed Benalilou;
Acting Deputy Vice-Chancellor and Head, Professor Brian McArthur;
Distinguished guests;
Ladies and gentlemen;**

I greet you All!

On the 11th day of this month, we marked three decades since that historic day in 1990 when the iron gates of prison swung open for our late former President, the iconic Nelson Mandela, to walk out a free man following 27 years of unjust incarceration.

As we now know, that was a remarkable moment for South Africa, for the events that followed put the country on a path that saw us making a clean break with our dark, oppressive and racially segregated past to transform into an equal, inclusive and democratic society.

I make mention of President Mandela purposefully, for I know how passionate he was about the institution of the Ombudsman and its role in bringing about clean governance and justice for the people whose voices we, as Ombudsman and Mediators, seek to amplify — hence the “Voice of the Voiceless”.

In fact, President Mandela, on 26 August 1996, addressed the Regional Workshop of the IOI and told delegates among other things the following:

“Every one of you here today is entrusted with the very important task of serving the citizens of your countries with diligence. It is thus incumbent upon you to expose every wrong you find committed in the public administration, without fear or favour. This means that the role of ombudsman is sometimes a lonely one, often the only voice of the public in the face of opposition from powerful officials.

“This is why gatherings such as this are so important. They provide each

of us with the opportunity to compare our situation with that of other countries, to keep in touch with the latest developments, to exchange skills and experiences and to inspire us further for the benefit of all.”

I have no doubt in my mind that you will concur with me when I say those words remain relevant today as they were when Madiba uttered them those years ago.

The focus of this webinar brings to the fore a development which should warm our hearts as Ombudsman and Mediators. The world is finally giving the institution of the Ombudsman the recognition it deserves as one of the key players in continuing efforts to entrench a culture of respect for the rule of law, upholding of human rights and the promotion of good governance.

For a long time, many of us have been unequivocal in saying that the institution of the Ombudsman has an untapped potential to play a pivotal role in helping resolve some of the problems plaguing many of the world's administrations.

The United Nations General Assembly's historic adoption of the Resolution on Ombudsman and Mediator institutions on 16 December 2020 marks a turning point in the history and work of this growing institution.

It comes hot on the heels of the adoption of what is known as the Venice Principles on the Protection and Promotion of the Ombudsman Institution.

One could not help but notice that these developments follow the trails left behind by the African Ombudsman and Mediators Association (AOMA) at the first African Ombudsman Summit held at Kempton Park here in South Africa back in 2014.

It was during that summit that AOMA adopted the ground-breaking declaration titled the OR Tambo Minimum Standards for Effective Ombudsman Institution and Cooperation, which sets out ten minimum standards that African states ought to comply with when establishing ombudsman institutions in the continent.

The standards cover the independence and autonomy of such institutions; the establishment of such institutions that is preferably guaranteed in the constitutions of the individual states; and the security of tenure for heads of such institutions. They also encompass the mandates, resources, operations, accessibility, and conditions of service, impartiality and accountability of such institutions.

The declaration is aligned to Article 15 of 2011 of the African Union's (AU) Charter on Democracy, Elections and Governance, which provides for the establishment, support for and effectiveness of ombudsman and similar institutions, which support democracy, the rule of law, good governance and constitutionalism.

One of the challenges facing the ombudsman institution in Africa is the reality that the anatomies of such institutions across the continent still varies from one country to another. The declaration therefore seek to standardise the character of the institution of the Ombudsman across the continent.

On independence and autonomy, it calls for these to be guaranteed by the constitutions of individual states and that the Ombudsman should be exempt from being sued or prosecuted in their personal capacities.

With regard to the security of tenure, the declaration provides for a fixed term that is not subject to removal without a just cause. It stipulates that the process of the removal from office of an Ombudsman should be fair, transparent and regulated by the constitutions of individual states, preferably involving an independent body.

It also specifies that the Ombudsman's appointment process must be transparent and preferably executed through a competitive process in the legislature.

On the mandate, the declaration emphasizes that focus should be on the investigation and mediation of maladministration complaints, prescribing that the term maladministration should be broadly interpreted.

It advocates for adequate resourcing of such institutions, the pitching of the rank of the Ombudsman at the level of a high court judge, the need for the ombudsman to be apolitical and accountable to the legislature as well as having the activities of the ombudsman audited by supreme audit institutions in respective countries.

The declaration further covers cooperation between AOMA and the AU Commission on strengthening good governance.

One is pleased to see the consistency that emerges and the point of convergence between the UN General Assembly resolution, the Venice Principles and the OR Tambo Minimum Standards. This is, for me, indicative of the good news that the world is singing from the same hymn sheet on the role of the Ombudsman.

On behalf of the President of AOMA, I wish to welcome all of the participants and those following the proceedings. I would like to express special words of gratitude to the IOI for endorsing this webinar and contributing its wisdom through no less the officials than the President Mr. Tyndall and Secretary-General Mr. Amon.

We do not take for granted your gesture of taking time off your busy schedules to participate in this virtual dialogue.

Speaking of Mr. Tyndall, I am informed that we are in the twilight days of your tenure as the President of the IOI, Sir, and that, since this may very well be your last interaction with the AORC and indeed AOMA in this capacity, it is only befitting that we wish you well in your future endeavours.

You rose to the position of IOI President after an election on 17 November 2016 in Thailand on the side-lines of the 11th IOI World Conference in Bangkok. You brought to the position a wealth of experience, having been Irish Ombudsman and Information Commissioner in the three years leading up to your election.

But you were no stranger to the world of Ombudsmanship back then in December 2013 when President Michael D. Higgins entrusted you with that mammoth task. You

were Public Services Ombudsman in Wales from 2008 and served as Chairman of the British and Irish Ombudsman Association.

History will remember you as the President who had the unenviable responsibility of steering the ship during the treacherous times of COVID-19, a period which posed a serious challenge for many of us as governments tried to push-back against the forceful tide of the pandemic to save lives, some committing grave administrative and governance errors in the process.

The IOI was itself not insulated from the difficulties and disorganization brought about by the pandemic. The 12th IOI World Conference, for instance, which was to have been held in your home city of Dublin last May, had to be put on ice as the virus indiscriminately ravaged the world.

You held steady and remained unwavering through it all. We are relieved that when you hand over the baton to your successor in May 2021 — the new date of the 12th IOI World Conference, which will now be held virtually — you will not be lost to the world of Ombudsmanship.

Thanks to your proven record and capability, President Higgins reappointed you to another six-year term of office as Ireland's Ombudsman and Information Commissioner back in December 2019 in line with section 2(4) of the Irish Ombudsman Act as amended. This means you are still with us in this field at least until 2025.

We thank you for the meaningful contribution you made to the institution of the Ombudsman worldwide. As we do with those who came before you, such as Adv. John Walters of Namibia, who is participating in these proceedings, we will always be keen to quench our thirst from the fountain of your experience, knowledge and expertise when we have seminars such as today's.

I wish you all fruitful discussions and, in the words of President Mandela, I trust that we will compare our situations, keep in touch with the latest developments, exchange skills and experiences and inspire each other further for the benefit of all.

Thank you.