



مركز بحوث الرقابيين الأفارقة

African Ombudsman Research Centre

Centre de Recherche des Ombudsman Africains

Centro de Investigação da Provedoria de Justiça Africana

INFORMATION, COORDINATION, TRAINING, ADVOCACY AND RESEARCH NEEDS OF THE AFRICAN OMBUDSMEN AND MEDIATORS ASSOCIATION (AOMA)

REPORT

JUNE 2011

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Implemented
by GIZ



Federal Republic of Germany
The Federal Government

On behalf of the
German Government

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INTRODUCTION

EXECUTIVE SUMMARY

The Executive Secretary of African Ombudsman and Mediators Association (AOMA) commissioned a needs assessment for the establishment of the African Ombudsman Research Centre, to be based at the University of KwaZulu-Natal. The assessment was sponsored by the German Technical Cooperation South Africa (now German Association for International Cooperation (GIZ)).

This assessment consisted of desktop-based research, from the analysis of which a questionnaire (Appendix A) was developed for circulation to the African Ombudsman Offices.

The replies to the questionnaire were consolidated and are attached as Appendix B. From this it was concluded that the most pressing needs of the African Ombudsman offices are:

- The need for information – there is comparatively little knowledge of or information available to organizations regarding sources of support for ombudsman institution
- Better communication between organisations
- Training – primarily in the practical aspects of operating an ombudsman type organisation

With regard to training:

- Twenty one of the organisations would prefer to receive training that counted as a credit to a qualification
- Two weeks was the most desired period of training
- The average person would attend two courses per annum

The following recommendations were made:

It was recommended that AORC should first focus on strengthening the operational capacity of the ombudsman organizations by providing them with information and training in the following areas:

- Understanding of internal practice
- Rectifying maladministration
- Promoting good governance
- Administrative justice/ Law
- Complaint reception
- Investigation

It was recommended that this should be followed up with improving the communications between the respective organizations. One way that this could be done is by using the already existing AOMA website as well as the compilation of a newsletter in order to keep everyone updated with developments in the field. Advocacy should be seen as a long term objective.

The report was presented at a workshop of AOMA members that was held at the University of KwaZulu-Natal on 16 and 17 March 2011.

During the course of the workshop, the delegates broke into groups to consider the different elements of the report. Flowing from this, the following aspects were identified as being the immediate priorities in respect of the needs of the various ombudsman offices:

INFORMATION AND COORDINATION:

- (1) *Means of collecting information:* Establish effective systems for collecting necessary information relevant to specific offices, AORC, AOMA and ombuds generally;
- (2) *Storage of information:* Establish effective ICT and manual systems for storing collected information;
- (3) *Dissemination of information:* The AORC must be sufficiently resourced, and must establish effective systems for disseminating information on members' request, and also to non-members who seek information or assistance;
- (4) *Responsiveness of AORC:* AORC must establish effective systems to ensure responsiveness to requests from members of AOMA and others;
- (5) *Publicity:* Awareness campaigns to publicise AOMA, AORC, local ombuds and the role of ombuds generally in the local, regional and international contexts. The AORC must also distribute the AOMA periodical (monthly or quarterly) newsletters;
- (6) *Use of technology:* All available technologies, including social and business contact websites (facebook/ MySpace/LinkedIn, etc), together with other web-based applications such as twitter, YouTube, e-mail and sms's must be used to publicise and disseminate information relevant to specific offices, AORC, AOMA and ombuds generally;
- (7) *ICT training and capacity:* All ombuds offices and AORC must have adequate information technology capacity and training to carry out the listed priorities;
- (8) *Information consolidation and sharing:* Systems must be established, under the guidance of the AORC, to ensure the effective consolidation and of information from members, and the sharing of relevant information among members (including the sharing of annual reports of members);
- (9) *Websites:* The AORC (AOMA) and all members must establish websites, preferably on the same website template

(to be coordinated by AORC). Each member's website must be linked to the AORC website.

- (10) *Meetings and visits*: Regular, scheduled regional and national meetings must be held, and AOMA (and individual members) should arrange reciprocal visits among members.

ADVOCACY AND RESEARCH

- (1) *Interaction and dialogue*: Regular interaction, through meetings, workshops, visits and conferences should be established with international, regional, governmental, judicial and civil society (including traditional mediators, AU, UN and ECOSSOC) role players, to enhance the national visibility of ombuds, offices and AOMA;
- (2) *Networks and exchanges*: Establish formal and informal networks to facilitate the interaction and dialogue in (1) above, including too Human Rights Commissions where these exist in members' countries. Also, staff exchanges should be encouraged for skills and values development.
- (3) *Media relations*: Establish effective media (TV, newspaper, magazine, radio, etc) liaison systems;
- (4) *Good governance*: Promote all aspects of good governance as a priority;
- (5) *Social security, labour matters and human rights*: Ensure sufficient focus on these areas as priorities for advocacy and research;
- (6) *AOMA/AORC journal and publications*: AOMA, with the AORC, must establish a journal and other relevant publications (like monographs on specific topics) to enhance advocacy and research;
- (7) *Outreach programmes*: Outreach programmes, such as mobile clinics and school and prison visits must be encouraged.
- (8) *Libraries and resource centre*: AORC must establish a comprehensive library (book-based and ICT) and resource centre (with on-line capacity) for support of its members. Each member country should, within its resource capacity, do the same.
- (9) *Workshops, think-tanks study visits and conferences*: Workshops, study visits and conferences must be planned (by AORC and individual members) on specific advocacy and research topics.
- (10) *Collection of reports, awards and opinions*: The AORC must establish systems to collect and collate awards and opinions from members to serve as precedents and assist with research;

(11) *Comparative legal studies*: The AORC must research comparative legal systems and laws governing the ombud function to assist in lobbying for improvements in all spheres of the ombud's function.

(12) *Enforcement and implementation of ombud's decisions*: Specific attention must be given to methods (practical, policy-based or legislative intervention) to continually develop the enforcement and effective implementation of ombud's decisions.

TRAINING

1. Language communication training: Especially French in Anglophone countries, and English in Francophone countries
2. Ombudsman: Introduction, history, powers & principles.
3. Investigation techniques- general skills.
4. General complaints management in ombuds offices (methodology).
5. Leadership and management skills.
6. Good governance training- including administrative law, applied constitutional law and selected crucial legal topics.
7. Rectifying maladministration: advocacy and other steps.

The information obtained from the completed questionnaires represents a valuable body of knowledge for the AORC in setting up its operations and as the basis for future research.

It is evident that the African Ombudsman organizations require assistance in the areas identified by the ICTAR Objectives (Information, Coordination, Training, Advocacy and Research) in varying degrees. The strongest demand appears to be in the areas of information and training primarily in practical aspects of operating an ombudsman type organization. There was also an interest shown in greater cooperation between the ombudsman organisations on a more frequent basis. Although it was not specifically articulated, it is clear that there is a need for greater support of the ombudsman function. The fairly limited involvement of ombudsman in advocating for good governance presents an opportunity.

The needs assessment workshop in itself presented a useful opportunity for the respective ombudsman/ médiateur offices to interact and communicate. While there may be commonality in respect of the challenges facing the respective offices, it is evident that the multiplicity of languages, especially English, French, Portuguese and Arabic presents a real barrier to meaningful communication between the respective offices.

The output of the workshop, in the form of prioritised tasks, objectives and requirements, is an important first step in creating an ombudsman research centre that is a valuable and meaningful aide to African ombudsmen and médiateurs. It should serve as a blueprint to guide the operations of the members of staff of the centre, once appointed.

BACKGROUND

The African Ombudsman and Mediators Association (AOMA) was formed by the regional members of the International Ombudsman Institute, with a view to enhancing the support of African Ombudsman offices in their role of ensuring good governance in the countries in which they operate.

The AOMA started as an offshoot of the International Ombudsman Institute based at University of Alberta Edmonton, Canada. The need was identified to establish dedicated support structures for Ombudsman operating in Africa. To this end, Article 12 of the constitution of AOMA provides for the African Ombudsman Centre (now called the African Ombudsman Research Centre (AORC) to conduct research and training, carry out information archiving and dissemination and to publish papers and a journal.

Initially the Centre was domiciled at the University of Dar es Salaam. At the meeting of the Executive Committee of AOMA in Libya from 23 to 25 November 2008, a decision was taken that the Centre was to be relocated to South Africa and that the Executive Committee was to be its “authoritative body”. Agreement was reached with the University of KwaZulu-Natal for it to house the Centre.

This assessment was commissioned by the Executive Secretary of African Ombudsman and Mediators Association (AOMA) to establish the needs of the members of AOMA with respect to the Centre (now AORC). The assessment was supported by the German Technical Cooperation South Africa (now German Association for International Cooperation (GIZ)).

SCOPE OF THE ASSESSMENT

The aim is to establish a research centre that will serve as a focal point for Ombudsman offices in Africa, coordinating their activities and supporting them with the provision of the “ICTAR¹ objectives” of Information, Coordination, Training, Advocacy and Research. Information gained from research will be made available to members and they will be supported in providing advocacy of good governance in Africa. A training programme and training courses will be established to meet the needs of the AOMA members.

The needs assessment was required to be conducted through the following process:

¹ Explanation of ICTAR:

Information means the dissemination of knowledge, experience and data in a readily understandable format, and including the role and functions of ombudsmen.

Coordination means the coordination of the activities of the various African Ombudsman offices, between themselves, and between them and the external role-players.

Training means training in Ombudsman studies and related fields, and also basic skills; including the imparting of an understanding of international Ombudsman practices and techniques and the necessary skills to perform the Ombudsman function.

Advocacy means advocating good governance in state and private institutions through supporting the adoption of the institution of the Ombudsman and lobbying for the strengthening of the powers of the various Ombudsman offices.

Research means empirical and academic research on all aspects of the Ombudsman’s functions, including the preparation of information and useful documents that add value to the work of the Ombudsman.

- A desktop research/analysis on the functions and organisational needs of an Ombudsman in the African context, within the context of the ICTAR objectives;
- The development of a background paper based on the findings;
- The development of a tool in form of a detailed questionnaire to be used to establish the various needs of the Ombudsman offices of the AOMA member states;
- The coordination of the sending and collecting of the questionnaire to and from each member state.
- The evaluation of the completed questionnaires and presentation of the findings in form of a preliminary report to the technical team
- Incorporation of the comments – if any – made by the Technical Team.
- Preparation of a preliminary findings report for delivery at the needs assessment workshop.
- The writing of a comprehensive final report based on the findings of the workshop including recommendations on the needs of AOMA member states.

HOW THE ASSESSMENT WAS CONDUCTED

A desktop search was conducted to locate relevant information on the functions and organisational needs of an Ombudsman in the African context, within the context of the ICTAR objectives. The research was done using the databases available at the Universities of Pretoria and Glasgow.

It was the aim of the research to establish the background and development of the Ombudsman in Africa, which African countries have Ombudsman type organisms in place and to determine which model they follow (i.e. do they focus on governance, government administration, human rights or mediation?). Any differences in the positioning of the Ombudsman function within political environments of the various countries were noted, as too were differences in structure and functions.

The research reflects the diversity of language, regions and politics, with a view to understanding the needs of the Ombudsman type body with regard to information and training. Both of these aspects will empower the ombudsmen in their role of advocacy of good governance.

The research, in so far as it relates to coordination, was in the area of establishing what the regional and African political structures are, what other institutions exist and how the Ombudsman fits in.

The research focused on the African situation, as opposed to what is happening internationally.

A list of research questions, Appendix C, was compiled to guide the direction of research. A bibliography of materials available nationally and internationally and that are relevant to the purpose of the assessment was compiled as Appendix D.

RESEARCH FINDINGS

INTRODUCTION

BACKGROUND

The Ombudsman concept originated in Sweden in the 19th Century and then spread worldwide at such a rapid rate that the phenomenon has been referred to as "Ombudsmania".² There are now over 945 Ombudsman offices (state and non-state; at national and sub-national levels) in about 140 countries throughout the world, of which 34 are in Africa³. A feature of the Ombudsman institution, which has undoubtedly contributed to this remarkable development, is its adaptability. Having originated in the reign of Charles XII of Sweden as an initiative to address the maladministration and abuse of power by the civil servants that had led to an outbreak of riots, the Ombudsman has in modern times evolved to deal with issues as diverse as corruption and human rights abuses. Of particular importance in the African context is the growing recognition of the Ombudsman as a central pillar of the institutional arrangements aimed at enforcing democracy and good governance⁴ throughout the continent. This is graphically illustrated in the figure below:

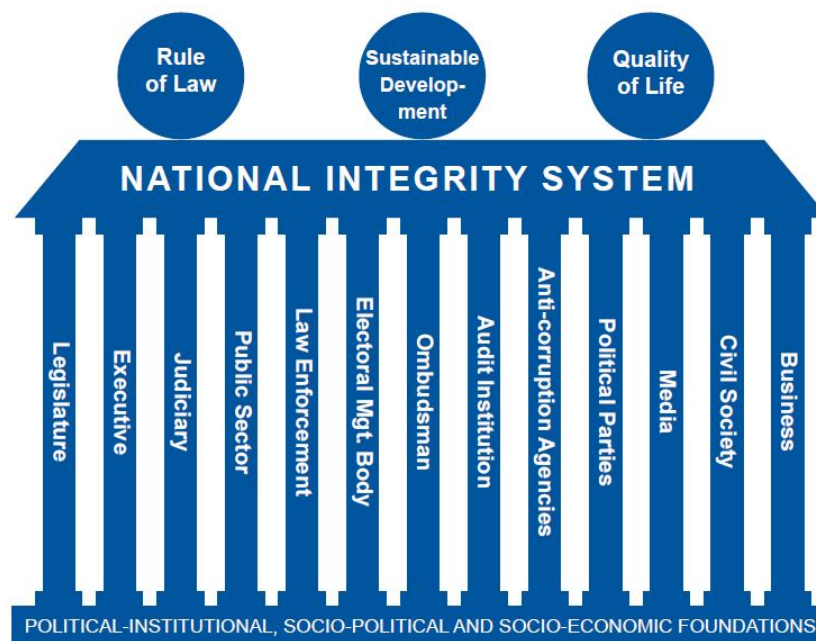


Figure 1: A functioning National Integrity System⁵

² <http://www.abanet.org/adminlaw/ombuds/wannabe.html> 'American Ombudsmen and Others; or, American Ombudsmen and 'Wannabe' Ombudsmen' (accessed 7 October 2010). See also http://www.ombuds.uci.edu/Journals/UCI%20Ombudsman_%20The%20Journal%201993.pdf 'Disaggregating the Ombudsman: Towards a Pure Theory of Conflict Resolution' (accessed 26 May 2009).

³ http://www.theioi.com/publications/stockholm_2009/09%20Victor%20O.%20Ayeni%20-%20Workshop%201%20-%20Ombudsmen%20as%20Human%20Rights%20Institutions.%20The%20New%20Face%20of%20a%20Global%20Expansion.pdf & VO Ayeni *Ombudsmen as Human Rights Institutions: The New Face of a Global Expansion* (2009) 8. (There are now at least 43 ombudsman type bodies in Africa: the questionnaire, Appendix A, was sent to that number of offices.

⁴ See below for a further discussion of good governance.

⁵ Transparency International (2010) 'The good governance challenge: Egypt, Lebanon, Morocco and Palestine' 2.

GOOD GOVERNANCE

Good governance is now recognised as being an absolute imperative for social and economic progress⁶. According to Kuye & Kakumba,⁷ many developing nations succumb to pressure from the neo-liberal and international donor agencies to institute the Ombudsman as part of the structural reforms to improve their governance credentials. The writers also attribute the adoption of the Ombudsman to, in some cases, the transition from autocratic and military rule to democratic government.⁸

Ogundiya deals comprehensively with the many definitions of governance.⁹ Amongst them is that of the World Bank:¹⁰ namely, “the manner in which power is exercised in the management of a country’s economic and social resources for development.” The Bank elaborated on three key aspects of governance: the form of a political regime; the process by which authority is exercised in the management of a country’s social and economic resources and the capacity of governance to design formulate and implement policies and discharge functions. It is the second and, to a lesser extent, the third of these aspects to which an Ombudsman’s activities relate.

From Ogundiya’s analysis it is evident that the lack of good governance can lead to corruption (the abuse of public office for private gain), injustices, inequity, integration crisis, and ethno-religious feuds.¹¹

DEFINITION OF AN OMBUDSMAN (AND MÉDIATEUR), AND EXAMINATION OF THE DIFFERENT KINDS OF OMBUDSMAN-LIKE OFFICES IN AFRICA (ALSO INVESTIGATE THE METHOD OF NOMINATION AND ELECTION OF OMBUDSMEN)

The traditional definition of the Ombudsman is found in the 1974 Resolution of the International Bar Association. The Ombudsman is defined as follows: “an office provided for by the Constitution or by action of the Legislature or Parliament and headed by an independent high-level public official who is responsible to the Legislature or Parliament, who receive complaints from aggrieved persons (alleging maladministration) against government agencies, officials and employees or who acts on his/her own motion, and who has the power to investigate, recommend corrective action and issue reports”.¹²

According to the African Ombudsman Association, the ombudsman is an independent, impartial public official with authority and responsibility to receive, investigate or informally

⁶ A Oburota 'Governance as a Source of Social Violence in Africa' in J Oguejiofor (ed) *Philosophy, Democracy and Responsible Governance in Africa* (2003) 388.

⁷ JO Kuye & U Kakumba 'The Ombudsman institutions in the procurement of legal responsibilities in the Commonwealth: an overview of Canada, South Africa and Uganda' (2008) 43 3(1) *Journal of Public Administration* 157.

⁸ Kuye & Kakumba (in 7 above) 157.

⁹ IS Ogundiya 'Democracy and good governance: Nigeria's dilemma' (2010) 4 6 *African Journal of Political Science and International Relations* 201. See also S Odunuga 'Failure of Governance and the Phenomenon of Conflict in Africa' in J Oguejiofor (ed) *Philosophy, Democracy and Responsible Governance in Africa* (2003) 153.

¹⁰ <http://www.academicjournals.org/ajpsir> 203.

¹¹ <http://www.academicjournals.org/ajpsir> 207-208.

¹² August 1974 Resolution at Vancouver meeting of official delegates of member organisations: *Ombudsman and other complaint-handling systems X* (1980-1) 1.

address the complaints of ordinary citizens about the actions or maladministration of certain public bodies (government departments and institutions), and, when appropriate, make findings and recommendations, and publish reports.¹³ The Ombudsman affects performance and accountability in the public realm since it can scrutinise and review departmental actions.¹⁴

As the Ombudsman institution has transformed into various different guises, it is necessary to consider these. They may have an impact on the content of training offered.

The Ombudsman can be established by either the Legislative branch of government or the Executive, and must work to improve the performance of the public administration and to enhance government accountability to the public.¹⁵ In addition to the so-called classical Ombudsman referred to above, Ayeni identified a further three categories of ombudsmen. First, are the so-called “hybrid ombudsmen” mostly found in the newly emerging democracies. These offices have modified the traditional focus on maladministration with an extensive mandate in human rights and anti-corruption. The other two Ombudsman types are the in-house or agency-based offices; and offices that specialize in specific functional areas, usually referred to as specialty or single-purpose Ombudsman offices.¹⁶

Important for the present purposes, Ayeni however concludes that this apparent separation of the “classical” from the “hybrid” is no longer tenable, as it largely misses the intensifying fusion of the Ombudsman’s traditional and human rights roles.

The office of the Ombudsman has been identified by EISA (the Electoral Institute for the Sustainability of Democracy in Africa) as one of three democracy protection institutions that are central to the achievement of democratic governance in the SADC region, the other two being national human rights institutions and electoral management bodies.¹⁷ The office of the Ombudsman must at this point be distinguished from National Human Rights Commissions. Although both can be defined as types of national human rights institutions, and indeed Human Rights Commissions have evolved from the Ombudsman model, structurally the two institutions differ in several key respects.¹⁸ The main difference between the two institutions is that an Ombudsman’s primary role is to monitor human rights abuses perpetrated by government entities, while a Human Rights Commission generally addresses the actions of private entities and individuals as well as governmental conduct.¹⁹

It must be noted at the start that some countries use names other than Ombudsman to describe the same function. As the Ombudsman model has been established by governments around the world, the name used to represent the office has changed.²⁰ Indeed, French-speaking countries, including Gabon, Mauritania and Senegal, use the term

¹³ http://www.aoma.org.za/component/option,com_frontpage/Itemid,1/ 'What an Ombudsman is and does' (accessed 5 October 2010).

¹⁴ Kuye & Kakumba (n 7 above) 157.

¹⁵ L Reif *The Ombudsman, Good Governance and the International Human Rights System* (2004) 2.

¹⁶ VO Ayeni 'Ombudsmen as Human Rights Institutions: The New Face of a Global Expansion' *9th World Conference, International Ombudsman Institute, 10 June 2009*. See also N Melville 'Has Ombudsmania reached South Africa? The burgeoning role of Ombudsmen in commercial dispute resolution' (2010) 22 *SA Merc LJ* 50 at 54.

¹⁷ D Mpabanga 'Promoting the effectiveness of democracy protection institutions in Southern Africa: Office of the Ombudsman in Botswana' (2009) EISA Research Report No 44.

¹⁸ J Hatchard et al *Comparative constitutionalism and good governance in the Commonwealth: an Eastern and Southern African perspective* (2004) 210.

¹⁹ ME Tsekos 'Human Rights Institutions in Africa' (2002) 9 2 *Human Rights Brief* 21.

²⁰ Reif (n 15 above) 12.

Médiateur de la République.²¹ The term Public Protector is used in South Africa, while Nigeria uses the term Public Complaints Commission and Zambia has an Investigator-General.²² Tanzania became the first African country to establish an Ombudsman under the name of the Permanent Commission of Enquiry.²³ Most African States do however use the term Ombudsman.²⁴ Regardless of the different names of Ombudsmen used in Africa, good moral conduct and respect for the core values of public services need to be valued by each Ombudsman-type office. Indeed, moral character and integrity are important requirements for all types of Ombudsmen.²⁵ In addition, regardless of title, “the core functions of the Ombudsman office remain similar, in as far as pursuing the conventional task of scrutinising the administrative operations of governmental agencies”.²⁶

It is necessary to consider whether a médiateur’s role is different to that of an Ombudsman. It seems that it is not, based on the following description of the médiateur’s role: evaluating the relevance of a claim; sending a report and requesting the concerned department to resolve the case. In their annual report, they present recommendations for possible improvements regarding the quality of provisions of services or the relational quality with the claimants.²⁷ This is a matter that can be clarified further in the questionnaire.

Concerning terms, it is interesting to note that in Kenya, the Ombudsman is appointed for a period of three years by the President.²⁸ In Mauritius, the Ombudsman is appointed by the Governor General, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons who appear to the Governor General to be leaders of parties in the Assembly (Constitution, Art. 96(2)).²⁹

BRIEF EXAMINATION OF THE BACKGROUND AND DEVELOPMENT OF THE OFFICE OF THE OMBUDSMAN IN AFRICA, INCLUDING THE CURRENT PRESENCE AND SPREAD OF OMBUDSMEN ON THE CONTINENT

The first African country to appoint an Ombudsman was Tanzania in 1966, with the establishment of the Permanent Commission of Enquiry.³⁰ This was followed by the Commission for Investigations in Zambia in 1974, the Ombudsman of Zimbabwe in 1980, the Inspector-General of Government in Uganda in 1986 and the Ombudsman of Namibia in 1990. During the 1990s, there was a dramatic increase in the establishment of national human rights institutions in Africa: Malawi established an Office of the Ombudsman in 1995, the Public Protector was created in South Africa also in 1995, and Ombudsmen in Lesotho

²¹ <http://www.aoma.org.za/content/view/3/2/> ‘African Ombudsman Association’ (accessed 30 August 2010).

²² <http://www.bizcommunity.com/Article/111/15/15682.html> ‘Kenya gets Ombudsman’ (accessed 6 September 2010).

²³ J Hatchard ‘The Institution of the Ombudsman in Africa with special reference to Zimbabwe’ (1986) 35 *International and Comparative Law Quarterly* 255.

²⁴ http://www.info.gov.za/speeches/1996/960823_0w95596.htm ‘Office of the National Public Protector of South Africa: Ombudsmen (Public Protectors assembling in Pretoria’ (accessed 6 September 2010).

²⁵ http://www.cafrad.org/Workshops/Tanger10-12_05_10/Concept_paper.html ‘CAFRAD’ (accessed 31 August 2010).

²⁶ Kuye & Kakumba (n 7 above) 158.

²⁷ <http://en.wikimeditation.org/index.php?title=Ombudsman> (assessed on 6 October 2010)

²⁸ Kuye & Kakumba (n 7 above).

²⁹ A Jacomy-Millette ‘Is the Institution of the Ombudsman Applicable to Africa? Legislation and First Results’ (1974) 8 1 *Canadian Journal of African Studies* 147.

³⁰ (n 21 above) . According to Frank ‘The Tanzanian Permanent Commission of Inquiry’, the commission commenced operations in 1966: Ombudsman <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/denilp2&div=23&id=&page=>(accessed 10 April 2011).

and Botswana were established in 1996 and 1998 respectively. An Office of the Ombudsman operated in Swaziland for four years between 1983 and 1987, but was finally dissolved due to the challenges of organizing and running an effective and impartial institution.³¹ There are now 27 Ombudsmen at a national level of government in Africa,³² and this reflects the consideration by African States that “the establishment of national human rights bodies [is] integral to international acceptance”.³³ Indeed, there has been a rise of interest in establishing the office of the Ombudsman in various countries on the African continent. Although the performance of the African Ombudsmen varies significantly across the continent, the efforts reflect unmistakable affirmation of these states to address the problems of corruption and maladministration.³⁴

As for North Africa, Transparency International has conducted independent assessments of the National Integrity Systems in Egypt and Morocco, and discovered that “there is limited awareness or support among citizens to hold governments to account”. Across the region political interference limits the powers of independent entities, and where public watchdogs do exist, they are assessed as weak, under-resourced and ineffective. Indeed, neither Morocco nor Egypt has an Ombudsman with full powers to represent citizen complaints.³⁵ Transparency International has recommended that to safeguard national integrity and to improve government accountability, States should, *inter alia*, establish Ombudsmen offices.³⁶

The number of Ombudsmen and other national human rights institutions in Africa is certainly increasing, although there are still a number of countries that have not yet established ombudsmen or other institutions. However, some of these States are subject to civil strife and/or their governments are not democratic so that they do not have strong prospects for a viable Ombudsman or other national human rights institution.³⁷

From the 1960’s when the Ombudsman office first started to appear in Africa, the classical Ombudsman model was prominent. However, examples of hybrid ombudsmen, that is Ombudsmen that operate under wide mandates, started to appear across the continent. Extended mandates include mandates to cover human rights protection, anti-corruption, leadership code enforcement and/or environmental protection.³⁸ One reason for this hybrid nature could be that until the 1990s, “most post-independence States in Africa were military regimes or one-party States...a number of African States continue to suffer from recurrent civil conflict...as a result...African ombudsmen did not duplicate the classical Ombudsman model, and adapted the concept to fit the political, legal, economic and social peculiarities of Africa”.³⁹ Indeed, some countries have reformed their classical Ombudsman institutions. For example, Ghana and Tanzania shut down their classical Ombudsman institutions and replaced them with hybrid Ombudsmen. While the earlier classical Ombudsmen were usually more restricted in their powers, some of the new Ombudsmen have been given a broader jurisdiction and stronger powers.⁴⁰ However, the Chairperson of Ghana’s Commission on Human Rights and Administrative Justice argues that ‘the majority

³¹ Hatchard (n 23 above) 209.

³² (n 21 above).

³³ Tsekos (n 19 above).

³⁴ (n 25 above).

³⁵ <http://www.yalibnan.com/2010/05/11/special-report-a-chance-for-good-governance/> ‘Special report: a chance for good governance’ (accessed 6 September 2010).

³⁶ <http://www.indepthnews.net/news/news.php?key1=2010-05-10%2018:12:39&key2=1> ‘Middle East Combats Corruption – To an Extent’ (accessed 6 September 2010).

³⁷ Reif (n 15 above) 252.

³⁸ Reif (n 15 above) 215.

³⁹ Reif (n 15 above) 218-19.

⁴⁰ Reif (n 15 above) 219.

of African Ombudsman Institutions still retain the essential characteristics of the classical model'. In addition, "only about 50% of Ombudsmen in Africa are protected in the State's Constitution in addition to legislation, with the remainder created only by statute or executive decree...the latter are more vulnerable to abolition or weakening of the institution". Another result is that most Ombudsmen in Africa are executive Ombudsmen.⁴¹

Given the influence of France, francophone countries have adopted the *médiateur* version of the Ombudsman model. Some classical and hybrid ombudsmen are multi-member bodies, some have opted for separate ombudsmen and human rights commissions, some have human rights commissions and no ombudsmen like Benin, Niger, Liberia and Togo, while others have no national human rights institutions at all, such as Angola, Comoros, DRC, Eritrea, Guinea, Guinea Bissau, Libya, Mozambique, Sao Tome et Principe, Somalia and Swaziland.⁴²

By 2003, classical and hybrid Ombudsmen are found in Africa as follows:⁴³

	Country	Ombudsman office	Legal basis
1	Algeria	Médiateur replaced in 2001 by National Consultative Commission for the Protection and Promotion of Human Rights	
2	Botswana	Ombudsman	1995 law
3	Burkina Faso	Médiateur	1994 decree and law
4	Chad	Médiateur	
5	Republic of the Congo	Médiateur	
6	Ivory Coast	Médiateur	2000 Constitution
7	Djibouti	Médiateur	1999
8	Ethiopia	Ombudsman	1994 Constitution and 2000 law
9	Gabon	Médiateur	
10	Gambia	Ombudsman	1997 Constitution, 1999 law
11	Ghana	Ombudsman replaced in 1993 by Commission	1992 Constitution and 1993 law
12	Lesotho	Ombudsman	1993 Constitution and 1996 law
13	Madagascar	Médiateur	1992 ordinance
14	Malawi	Ombudsman	1994 Constitution and 1996 law
15	Mali	Médiateur	1997 law
16	Mauritania	Médiateur	
17	Mauritius	Ombudsman	1967 Constitution, 1969 law
18	Morocco	Wali Diwan Al-Madhalim (Ombudsman)	2002 Royal decree
19	Namibia	Ombudsman	1990 Constitution and law

⁴¹ Reif (n 15 above) 218-19.

⁴² Reif (n 15 above) 224-5.

⁴³ Reif (n 15 above) 220-224.

20	Nigeria	Public Complaints Commission	1975 military decree and 1990 law
21	Rwanda	Ombudsman	2003 Constitution and presidential decree
22	Senegal	Médiateur	1991 decree and law
23	Seychelles	Ombudsman	1993 Constitution
24	Sierra Leone	Ombudsman	1991 Constitution and 1997 law (the Ombudsman Act, 1997, of the Parliament of Sierra Leone". ⁴⁴)
25	South Africa	Public Protector	1993 and 1996 Constitutions, 1994 law
26	Sudan	Public Grievances and Correction Board	1995 decree
27	Tanzania	Commission for Human Rights and Good Governance	2000 Constitutional amendments, 2001 law
28	Tunisia	Médiateur administrative	1992 decree, 1993 law
29	Uganda	Inspectorate of Government	1995 Constitution, 2002 law
30	Zambia	Commission for Investigations	1991 law and 1996 Constitution
31	Zimbabwe	Ombudsman	1979 Constitution and 1982 law, amended

EXPLANATION OF THE ROLE AFRICAN OMBUDSMEN ARE EXPECTED TO PLAY IN THEIR COUNTRIES, AS WELL AS THE ACHIEVEMENTS EXPECTED OF OMBUDSMEN

Most African states have, in light of the need to promote good governance, established Ombudsman and anti-corruption offices to check maladministration and corruption. Where the institutions of Ombudsman exist, they are made to function in all ministries and departments of both central and local governments to protect the rights of citizens, to check on the misuse of powers by officials and where necessary, investigate and initiate legal actions.⁴⁵ The role of the Ombudsman varies according to the mandate under which the office is created. For example, in Sierra Leone, the Ombudsman is expected to investigate “any action taken or omitted to be taken by or on behalf of any department or ministry of government; any statutory corporation or institutions of higher learning, set up entirely or partly out of public funds”. This mandate appears to cover all those in government who abuse power.⁴⁶ In Kenya, the Public Complaints Standing Committee is required to

⁴⁴ <http://www.newstimeafrica.com/archives/1883> ‘Sierra Leone: Ombudsman’s Office to Investigate Abuse in Government’ (accessed 6 September 2010).

⁴⁵ (n 25 above).

⁴⁶ (n 44 above).

promote alternative dispute resolution through mediation. It is further mandated to publish quarterly reports on complaints received and action taken.⁴⁷ In Zambia, the office of the Ombudsman must monitor vast discretionary powers vested in the Managers of government departments and Boards of various parastatal or national establishments or companies. This role includes an enviable task of monitoring accountability and transparency of those in government leadership.⁴⁸

The Office of the Ombudsman is generally established to protect the people against violations of human rights, the abuse of power by public institutions, error, negligence, unfair decisions and maladministration, in order to improve public administration with a view to making governments responsive to people's needs and public servants more accountable to members of the public.⁴⁹ The Ombudsman attempts to bridge the gap between "the governed and the governor", the alienated individual and the administration, the masses and the bureaucracy.⁵⁰

In Botswana, the Ombudsman must investigate matters of maladministration in the public sector, including bias, adversity, neglect, incompetence, rudeness and delays. The Act gives the office the power, for example, to determine whether a case needs investigation, the procedure to be followed, and the power to access government files. In addition, s 7(2) of the Act gives the Ombudsman the power to call witnesses for examination. The Act also sets out a clear investigation process when the Ombudsman has determined that there has been maladministration and injustice.⁵¹ The Ombudsman in Sierra Leone has stated that the role of his office is to promote good governance and integrity, and to check abuses of powers in government departments.⁵²

What the Ombudsman is determined to achieve is the provision of adequate redress for the voiceless and powerless citizens who form the majority of the population...it must be noted here that this task will not be easy to achieve.⁵³ "Whereas a critical look at the African scene may give the impression that several countries now realize the importance of Ombudsman and Anti-corruption Institutions, one fact remains fundamental. The institutions created for redress have not succeeded in raising the accepted levels of accountability and good governance in Africa. The systems, whether in government or through the operations of the public services, still show signs of defects, which have created a wide gap between governments and the people. The leadership itself has indulged in flagrant disregard for the rule of law and abuse of power. The alienation of the state from society and the perception of the state as hostile and corrupt reasonably leads to a loss of faith in the system".⁵⁴

Addressing the question of whether the Ombudsman model is applicable to Africa, Jacomy-Millette argues that "undoubtedly, the Western model is not transplanted with its main characteristics...but a new institution is emerging which could finally serve the same purpose, individual protection against discretionary powers and all sorts of injustices, and follow a different pattern, a truly African one, tentatively on the Tanzanian model".⁵⁵

⁴⁷ (n 22 above).

⁴⁸ JK Kampekete 'The impact of the Ombudsman Institution in developing African countries' (1996) 9 2 *Lesotho Law Journal* 54.

⁴⁹ Mpabanga (n 17 above).

⁵⁰ Jacomy-Millette (n 29 above) 146.

⁵¹ Mpabanga (n 17 above).

⁵² (n 44 above).

⁵³ Kampekete (n 48 above) 54.

⁵⁴ (n 25 above).

⁵⁵ Jacomy-Millette (n 29 above) 147.

There is little doubt that the Ombudsman institution has the potential to enhance constitutional democracy and good governance. Indeed, there is evidence that the challenges facing African Ombudsmen are due more to lack of funding and resources than to the will and commitment of the Ombudsmen and of various stakeholders required to support the institution's success.⁵⁶

EXAMINATION OF THE ACTIVITIES AND MODES OF OPERATION OF AFRICAN OMBUDSMEN (MECHANISMS AND MANDATES)

The mandate of Ombudsmen is to protect citizens against abuse of power by the administrative agencies of the State. In order to perform these functions, the office of the Ombudsman must be visible and accessible, and must be credible. The following features demonstrate credibility: impartiality, independence, adequate judicial remit, adequate investigative powers, appropriate standards of appraisal of administrative practices, and action on investigated matters. The Office of the Ombudsman should also be effective and accountable, and should be able to work in an appropriate political and governmental environment.⁵⁷

ANALYSIS AND SCOPING OF TRAINING COURSES AND PROGRAMMES OF OTHER SERVICE PROVIDERS FOR OMBUDSMEN AND MÉDIATEURS INSIDE AND OUTSIDE OF THE CONTINENT

Since 1990, African Ombudsmen have come together for regional conferences every second year. These Conferences have been held across the African continent.⁵⁸ The African Ombudsman Centre was created in 1995 at the Khartoum Regional Conference (of African Ombudsmen) as a regional structure for Ombudsman offices. The African Ombudsman Centre Board of Trustees came together in Namibia in 2002 to bring to fruition the 2001 Seychelles Regional Conference resolution calling for the creation of an African Ombudsman Association (see preamble (paragraph 1) of the Constitution). The aim of the African Ombudsman Association Research Centre is to serve as a focal point for Ombudsman offices in Africa, by coordinating their activities and supporting them with the provision of information and training, and acting as a point of liaison with all participants involved in enhancing corporate governance in Africa.⁵⁹

In addition, the African Training and Research Centre in Administration for Development (CAFRAD) is a Pan African intergovernmental organization, established in 1964 by African governments with the support of UNESCO. It is the first uniquely Pan-African training and research centre in the continent for the improvement of public administration and governance systems in Africa. Its headquarters are located in Tangier (Morocco). Membership is open to all African countries: at present, CAFRAD has a membership of 36 States.⁶⁰ CAFRAD offers technical assistance and training to African governments, and in May 2010 hosted a conference entitled "Promoting Good Governance" for Ombudsman and Anti-Corruption Offices in Public Institutions in Africa.⁶¹ The Centre has organized

⁵⁶ Kuye & Kakumba (n 7 above) 167.

⁵⁷ MA Kapa 'Promoting the effectiveness of democracy protection institutions in Southern Africa: Office of the Ombudsman in Lesotho' (2009) EISA Research Report No 39.

⁵⁸ (n 21 above).

⁵⁹ (n 21 above).

⁶⁰ <http://www.cafrad.org/index.html> (accessed 5 October 2010).

⁶¹ http://www.cafrad.org/Workshops/Tanger10-12_05_10/main1.html (accessed 5 October 2010).

conferences that deal with Ombudsmen-related issues, including the question of why corruption in Africa is still high, regardless of the setting up of Ombudsman and Anti-corruption offices.⁶²

Training is also provided by the International Ombudsman Association, which has developed "a highly successful format of education, skill building, and theory that combine to provide both the new and experienced Organizational Ombudsman practitioner with a practical approach to addressing problems in his/her respective environments". The Organisation offers the Ombudsman 101 Course, the Ombudsman 101 PLUS Course, the Intermediate Course, the Advanced Course and specialized courses annually.⁶³ It should be noted however that Organizational ombudsmen⁶⁴ are quite different to classical ombudsmen as they deal with managers and employees, clients and other stakeholders of a corporation, university, non-governmental agency, or other entity and not governments.⁶⁵

Members of the European Network of Ombudsmen exchange information about EU law and best practice via seminars and meetings, a regular newsletter, an electronic discussion forum and a daily electronic news service.⁶⁶ The International Ombudsman Institute offers training to classical Ombudsman,⁶⁷ in conjunction with the Governance and Management Services International (GMSI) in London. The following courses on Ombudsman work are offered by GMSI:⁶⁸

- Changing Ombudsman Function - Conducting Investigations, Operational Management and Complaints Handling
- Building Capable Watchdogs-Enhancing Legislative Oversight of Government
- Making the Ombudsman Effective-Leading and Managing Complaints Handling Institutions
- Changing Ombudsman Function-Conducting Investigations, Operational Management and Complaints Handling"; and "Managing Human Rights Institutions

The Ontario Ombudsman's Office offers the course "Sharpening Your Teeth: Advanced Investigative Training for Administrative Watchdogs".⁶⁹ Public Administration International Ltd (London) offers a two weeks long course, "When Citizens Complain: the role of the Ombudsman in improving public services".⁷⁰

French speaking Ombudsmen are supported by the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF) (Association of Ombudsmen and Mediators).⁷¹ Since 1992, the Mediator of the French Republic has contributed towards the development and running of national and international mediation institutions, through fostering or

⁶² (n 25 above).

⁶³ <http://www.ombudsassociation.org/training/> (accessed 5 October 2010).

⁶⁴ http://en.wikipedia.org/wiki/Organizational_ombudsman (accessed 5 October 2010).

⁶⁵ Details regarding the International Ombudsman Association's courses are contained in Appendix E.

⁶⁶ <http://www.ombudsman.europa.eu/activities/network.faces> (accessed 5 October 2010).

⁶⁷ <http://www.law.ualberta.ca/centres/ioi/Events/Conferences.php> (accessed 5 October 2010).

⁶⁸ <http://www.gmsiuk.com/training.html> (accessed 5 October 2010). See Appendix F for details of the courses available.

⁶⁹ http://www.Ombudsmanforum.ca/training/basic/basic_training_for_Ombudsman_e.asp (accessed 5 October 2010).

⁷⁰ <http://www.public-admin.co.uk/study.htm> (accessed 5 October 2010). Tuition fees (exc. VAT) - £2,825. The programme is attached as Appendix F.

⁷¹ <http://www.médiateur-republique.fr/en-citoyen-07-01-01> (accessed 5 October 2010). A list of members has been obtained from AOMF. Attempts to obtain information regarding the training offered by the AOMF via email from the French Médiateur who provides the training were unsuccessful.

facilitated the creation of similar institutions in countries in Africa, providing training to overseas visitors and encouraging meetings for the purpose of exchange and cooperation.

The programme of training proposed by the Institute for Professional Legal Training of the University of KwaZulu-Natal is attached as Appendix G.

STUDY OF WHICH BODIES CURRENTLY UPDATE AFRICAN OMBUDSMEN ON DEVELOPMENTS, AND EXAMINATION OF THOSE RECENT DEVELOPMENTS

Developments such as the African Charter on Democracy, Elections and Governance, decisions of the African Commission on Human and Peoples' Rights and recent developments within PAP and NEPAD, as well as the UN system, should be communicated to African Ombudsmen. Our research did not reveal any body that updates Ombudsmen on developments. It is submitted that more information might be available from the questionnaire results.

EXAMINATION OF THE CHALLENGES FACING AFRICAN OMBUDSMEN, AND OF THE CRITICISMS THAT THEY RECEIVE

The Public Protector in South Africa has made a valuable contribution to protecting and promoting democracy and good governance, however, despite this, "challenges persist relating to [its] institutional governance and effectiveness...resource and capacity constraints hamper the effectiveness of both institutions".⁷² Short has recognized the difficulties faced by classical and hybrid Ombudsmen in Africa: 'In many of the emerging democracies of Africa...the Ombudsman faces peculiar challenges. The checks and balances expected to exist between the various organs of state are weak, the realisation of good governance is still a huge challenge and human rights abuses are rampant. In many African countries, the rule of law is not regularly observed and the arbitrary exercise of State power is rather pervasive. Corruption is rampant and institutionalised'.⁷³ Some of these identified challenges are examined further below.

There appear to be numerous challenges facing African Ombudsmen.

The most important of these is their **independence**. For an ombudsman scheme to be credible to its users it must be able to operate independently, free of opposition by the entity of which it operates.⁷⁴

Where Ombudsmen are appointed by the very executive that they are meant to police and investigate, the independence of the Ombudsman can be a source of concern. In Lesotho, a study revealed that "whether or not the Ombudsman acts independently of the executive depends on his personal integrity, so different incumbents may behave and act differently in their relations with the executive".⁷⁵ As far as administrative authorities are concerned, "they very often are hostile to the work of the Ombudsman for many reasons".⁷⁶

⁷² Musuva, C 'Promoting the effectiveness of democracy protection institutions in Southern Africa: South Africa's Public Protector and Human Rights Commission (2009) EISA Research Report No 41.

⁷³ Reif (n 15 above) 219.

⁷⁴ Melville (n 16 above) 54.

⁷⁵ Kapa (n 57 above).

⁷⁶ Jacomy-Millette (n 29 above) 149.

Ombudsmen suffer from a serious **lack of resources**. The Sierra Leonean Ombudsman has reported that “we still are starved of the basics needed to effectively run an office of this type, that has to investigate, and help redress, administrative abuse of powers...we still don’t even have official vehicles as of yet”.⁷⁷ Challenges in terms of financial, human and material resources can limit the capacity and autonomy of Ombudsmen to carry out their mandate effectively. The current Ombudsman in Lesotho has stated that “it is vitally important that an important democracy institution like the Ombudsman be sufficiently resourced so as to do its job satisfactorily...human and financial resource constraints [have] prevented it from being able to market itself sufficiently to the public”.⁷⁸ Indeed, the Lesotho Office of the Ombudsman depends on donor funding, and the Irish Embassy recently provided the Office with a four-wheel-drive vehicle.⁷⁹ The Inspectorate of Government in Uganda has also complained of insufficient financial and human resources, with the concomitant negative effect on efficiency and service to the public.⁸⁰ It is clear that the lack of provision of sufficient resources from the government raises “serious questions about the government’s level of political will and commitment to the mandate” of the Office of the Ombudsman.⁸¹

“Another problem is limited working space, which means that investigators must share offices, an arrangement that compromises the confidentiality of discussions between investigators and those bringing their complaints to the office, a situation which discomfits many complainants”.⁸² It has been argued that it is not the provision of funds that is required, as international funds and technical support is always available for the establishment of national human rights institutions.⁸³ However, it is rather the effective and careful use of the money that should be monitored. It has therefore been advocated that “although continued international support for African human rights institutions is vital, it is crucial that such support not be given unconditionally...rather, the UN and international donors should carefully evaluate the effectiveness of the entities they support.”⁸⁴

Financial resources are certainly vital to the functioning of an Office of the Ombudsman. Financial constraints prevent Ombudsmen from acquiring equipment that would enable it to function more efficiently.⁸⁵ In addition, human resources are imperative. Some Offices have insufficient numbers of investigators to follow up on alleged abuses.⁸⁶ Not only enough staff, but also how the staff is recruited. In Lesotho, the Office of the Ombudsman “is forced to rely on the Public Service Commission (PSC) to recruit its staff instead of conducting its own recruitment, a dependence that has led to delays in the appointment of necessary staff, thereby inhibiting the functioning of the office, leaving it with too many cases and too few staff to handle them”.⁸⁷ During a meeting of the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs concerning the operations of the Ombudsman’s Office, the Zimbabwean Ombudsman complained that her Office does not receive enough resources to enable it to work efficiently according to her mandate. The Ombudsman noted that “the amount of resources channelled to her office was not consistent with the enormous work it does and importance the office holds”. She also

⁷⁷ (n 44 above).

⁷⁸ Kapa (n 57 above).

⁷⁹ Kapa (n 57 above).

⁸⁰ Reif (n 15 above) 234.

⁸¹ Kapa (n 57 above).

⁸² Kapa (n 57 above).

⁸³ Tsekos (n 19 above).

⁸⁴ Tsekos (n 19 above).

⁸⁵ LA Darga ‘Promoting the effectiveness of democracy protection institutions in Southern Africa: the Ombudsman and the National Human Rights Commission of Mauritius’ (2009) EISA Research Report No 45.

⁸⁶ Kapa (n 57 above).

⁸⁷ Kapa (n 57 above).

stated that a shortage of vehicles prevents the Office from investigating complaints in remote areas.⁸⁸

Related to the challenge of financial resources are the challenges associated with the **budget** that Ombudsmen receive. In Lesotho, “despite the fact that Parliament passes the office’s budget, it is not free to use the budget, its finances are controlled by the government. The effect of this arrangement is that the government is able to cut the budget or to direct funds intended for the office to activities outside its core mandate. In this regard, the Ombudsman cites the case in which the government, without consulting the office, cut 2 per cent from an already limited budget and directed it to HIV/AIDS-related activities. The implication of this inability to recruit its own staff and control its budget is that the office is not as autonomous as it should be...the limited budget hampers the efforts of the office to embark on effective and wide-ranging public awareness campaigns and to inspect effectively areas such as prisons, police cells, and hospitals.”⁸⁹

A very important challenge to an Ombudsman can be the **environment in which he is expected to operate** – that is, the level of democracy and good governance in the State in which he is established. “Both non-governmental and independent studies on the effectiveness of national human rights bodies demonstrate that an institution's success depends largely upon the existence and strength of particular legal, financial, political, and social factors...such factors include whether democratic governance exists.”⁹⁰

A weak constitutional and legal framework establishing the Office of the Ombudsman does not adequately support and empower the office to fulfil its mandate successfully. For example, in Botswana, it was noted that the office of the Ombudsman “does not have enforceable powers, for instance, to make binding recommendations, especially where government departments fail to implement recommendations for remedial action”. The Act establishing the Ombudsman states that the Ombudsman may recommend remedial action but does not have the power to enforce compliance or take further action in cases of non-compliance. The office is also limited in relation to the type of matters it can investigate. For example, the Act provides that the Ombudsman may not investigate matters related to security, the defence forces, police, corruption, crime, the appointment of public officers, private contractual and commercial dealings, and matters before courts.⁹¹

The logic of excluding some public offices and the private sector from the scrutiny of the Ombudsman in Lesotho, believing that all public offices have the propensity to violate citizens’ rights, has been questioned. It has been noted that a number of human rights violations occur in the private sector, and the exclusion of this sector from investigation denies the majority of the poor the free services offered by the Ombudsman’s office. Another serious drawback is the fact that the office of the Ombudsman does not have the power to enforce its recommendations, determinations, or decisions.

The agencies involved rarely comply with the decisions and the office receives limited support from the executive. If it had the power to enforce its decisions, its work would bear more and better fruit, respondents believe.⁹² In Lesotho, ‘the mode of appointment of the Ombudsman prescribed in the Constitution does not facilitate and nurture the right perceptions among members of the public. Considering also that the Ombudsman is appointed for a period of four years, which corresponds too closely with the five-year tenure

⁸⁸ ‘Increase resource allocation to Ombudsman’s office’ *The Herald* 12 October 2007.

⁸⁹ Kapa (n 57 above).

⁹⁰ Tsekos (n 19 above).

⁹¹ Mpabanga (n 17 above).

⁹² Kapa (n 57 above).

of the government, an impression is created that every incoming Prime Minister is granted an opportunity to appoint his own Ombudsman.⁹³

While the powers of the Ombudsman allow the office to investigate matters relating to public officials, one of the main constraints it faces is the action it may take in relation to such complaints. The Ombudsman's only recourse is to recommend further action to be taken by the relevant head of department or authority concerned. If no action is taken, the Ombudsman may table his recommendations to any minister concerned, or to the prime minister or the National Assembly if he deems it fit. However, the Ombudsman cannot initiate any legal action against a public official. As explained above, the Constitution does not allow the Ombudsman to investigate matters relating to the president of the Republic and his personal staff, the chief justice, any commissions established by the Constitution, the DPP or those following his instructions, or those acting on powers delegated by the Public Service Commission (which deals with recruitment in the public service) or the Disciplined Forces Services Commission (which deals with recruitment and promotion in the police and fire services). This limitation can be questioned in as much as these persons or authorities may perform actions that aggrieve individuals in a manner that falls under the scrutiny of the Ombudsman.⁹⁴

Finally, it must be noted that in the case of offices of the Ombudsman, reform is needed because most only deal with investigating complaints against public officials. The simplest approach to the task of reaching non-State actors is to include them within the jurisdiction of the office of the Ombudsman. This would involve merely expanding the definition of 'public servant'. This has been done in Namibia.⁹⁵ The reason for this need is that due to privatization and proliferation of major industries, non-State actors may well overtake the State as the focus of administrative justice and human rights concerns. As major industries are privatized, so public servants have become employees of a new private enterprise.

Ombudsmen also face challenges relating to **bureaucratization, absence of commitment on the part of Government and policy makers** as well as **ineffective record management systems** (the fact that the office does not have an effective record management system leads to difficulties in assessing its handling of cases. Although it does have computers, these are not used optimally to provide full records of past cases. These records are contained only in individual Annual Reports submitted to Parliament so establishing the exact number of cases that have passed through the office is a tedious process involving digging through all the Annual Reports).⁹⁶ The number of cases that the Office of the Ombudsman in Malawi receives has resulted in a serious backlog. The Office is poor regarding record keeping, which is "compounded by inefficient administrative procedures".⁹⁷

The Office of the Ombudsman not only faces the above-mentioned challenges, but has also come under various criticisms. Firstly, in some cases **the integrity of the Ombudsman** has come under question, for example in Sierra Leone where the Ombudsman, a renowned Freetown lawyer, was eventually convicted of corruption.⁹⁸ Secondly, Ombudsmen have been criticized for not creating sufficient **public awareness and understanding of the**

⁹³ NL Mahao 'The Ombudsman and the enhancement of good governance in Lesotho' (1996) 9 2 *Lesotho Law Journal* 43.

⁹⁴ Darga (n 85 above).

⁹⁵ J Hatchard *Introduction to Law and Human Rights for Young People in the Commonwealth* (2003) 78.

⁹⁶ Kapa (n 57 above).

⁹⁷ N Patel 'Promoting the effectiveness of democracy protection institutions in Southern Africa: The Malawi Human Rights Commission and the Office of the Ombudsman' (2009) EISA Research Report No 46.

⁹⁸ (n 44 above).

Office and about the essence of the work of the Office.⁹⁹ Once again in Sierra Leone the fact that the Office had been not functioning for approximately 7 years meant that the people lacked understanding about the functions of the Office, and that the new Ombudsman had “to convince people that we can do the work...changing the perception of people about the office is one major challenge”.¹⁰⁰ It has been noted that one of the problems hindering the work of the Zambian Commissioner for Investigations is the lack of appreciation by the public of the mandate of the Office.¹⁰¹ It is therefore submitted that more advocacy of the work of Ombudsmen in Africa is required.

Ombudsmen have also been criticized for **lack of an effect on human rights violations or corrupt practices**. “Although the presence of these offices indicates governments’ commitment to ensure that citizens can seek redress against maladministration and corrupt practices, public offices and institutions in many African countries still exhibit incidence of abuse and corrupt practices which are at the root of the countries’ crises. This has led to the deterioration of public services and mismanagement of the economy at large. The citizens, who are supposed to be the beneficiaries, invariably become the victims, as they remain without public services that they ought to have. Ombudsman offices and Anti-corruption institutions appear to be overwhelmed by the magnitude and impact of corruption and maladministration. The courage of battling corruption and maladministration is most often menaced“. Sometimes this ineffectiveness on the part of Ombudsmen is due to a “denial of freedom for Ombudsman bodies and anti-corruption institutions to operate independently in the fight against corruption”.¹⁰² The usual African attitude of exempting the actions of powerful authorities from supervision has arguably not been of much help in curbing abuses of power.¹⁰³

The Ombudsman in Lesotho has been criticized for not creating a higher level of **accessibility for victims** to his Office. “The main problem is that the office is physically located in the capital, Maseru, with no branches in the other nine administrative districts of the country. Consequently, people have to come to Maseru from all over the country to lodge their complaints, thereby incurring huge transport costs...the Office of the Ombudsman is currently highly centralised so that many people, especially those living in remote rural areas, find access a problem”.¹⁰⁴ However, there is evidence that the Ombudsmen have attempted to correct this scenario by making effort to meet with people at public gatherings and public hearings in remote areas of the country.¹⁰⁵

WHY IS COORDINATION BETWEEN AFRICAN OMBUDSMEN REQUIRED?

Decisive actions against the violation of these principles (to promote good governance) in public office certainly serve to minimize the impact of the corruption on the African States. Thus, the cooperation of all stakeholders is needed in order to systematically tackle the problem. It is also important to note that the fight against corruption begins with individual character and integrity of all those involved... In the circumstances, the Anti-corruption and Ombudsman offices in African countries need to regularly exchange experiences and build capacities required to support their own offices, their countries’ good governance at large,

⁹⁹ (n 44 above).

¹⁰⁰ (n 44 above).

¹⁰¹ Chewe-Chanda, A ‘Promoting the effectiveness of democracy protection institutions in Southern Africa: The Commission for Investigations and the Permanent Human Rights Commission in Zambia (2009) EISA Research Report No 43.

¹⁰² (n 25 above).

¹⁰³ Mahao (n 93 above) 45.

¹⁰⁴ Kapa (n 57 above).

¹⁰⁵ Kapa (n 57 above).

especially when they are and/or have been affected by corruption that is from both internal and external factors. These offices need to come together to share experiences and problems responsible for failure to tackle corruption.¹⁰⁶

WHAT CONTACT AND INTERACTION IS THERE CURRENTLY BETWEEN AFRICAN OMBUDSMEN? DOES THE AU PLAY ANY ROLE IN THIS REGARD?

The Commonwealth Forum of National Human Rights Institutes has various African members, including Cameroon, Ghana, Kenya, Malawi, Mauritius, Namibia, Nigeria, Sierra Leone, South Africa, Tanzania Uganda, and Zambia. The Forum was established pursuant to the 'Commonwealth Conference of National Human Rights Institutions', held in London from 26-28 February 2007. Underpinning the Conference had been the fact that whilst individual Commonwealth NHRIs meet and share information on an ad hoc basis, no distinct forum presently exists for their interaction, as a collective, with Commonwealth Heads of Government. The idea behind the Forum is to ensure that shared values, information and experiences are reflected and channelled into a single formal mechanism that will in turn increase interactions between institutions and governments and raise standards of human rights protection.¹⁰⁷ The Forum does not appear to meet very often; evidence from the Forum's website suggests that the members of the Forum have met once a year (2008 in Kenya and 2009 in Trinidad and Tobago) since the establishment of the Forum in 2007 at a Commonwealth Conference of National Human Rights Institutions in London.¹⁰⁸

The Forum has recently published its first edition of the Commonwealth Forum of National Human Rights Institutions (CFNHRI) newsletter.¹⁰⁹ The Forum has only produced 1 newsletter to date (27 September 2010). Apart from publishing a newsletter, the Forum organizes annual meetings of its members (see above) and displays developments in the field of human rights on its website. The Forum has also issued public statements on issues of concern to human rights, including developments in the Nigerian Human Rights Commission in April 2009, and the killing of 2 human rights activists in Kenya in March 2009. The website updates the establishment of National Human Rights Commissions in Commonwealth countries.

The Forum does not appear to be a potential duplication of the work of the foreseen AORC. Firstly, the Forum does not seem to update its members with information relevant to the running of an Office of an Ombudsman. In addition, there is no evidence of any training provided specifically to Ombudsmen. Previous meetings have focused on issues such as the role of NHRI in the area of climate change. Secondly, it must be noted that the Forum exists to coordinate work of National Human Rights Institutions generally, and not Offices of Ombudsmen specifically. As a result, and developments shared with members, and any coordination initiated between members, will most likely not be specifically related to problems and issues faced by Ombudsmen (the main aim of the Forum is to ensure interaction between institutions in order to raise standards of human rights protection – it therefore excludes Ombudsmen Offices which do not have a human rights mandate).

¹⁰⁶ (n 25 above).

¹⁰⁷ http://www.thecommonwealth.org/FNHRInformation/185649/about_us/ (accessed 5 October 2010).

¹⁰⁸ http://www.commonwealthnhri.org/FNHRInformation/185649/about_us/ (accessed 19 November 2010).

¹⁰⁹

http://www.thecommonwealth.org/Internal/39448/161637/commonwealth_conference_of_national_human_rights/ (accessed 5 October 2010).

Finally, any developments or information shared with members will not be Africa-specific, as the Forum is comprised of members from the entire Commonwealth.¹¹⁰

- Professor Albert Tevoedejre, who has held high political and administrative functions in his country, Benin, is currently the Ombudsman of the Republic and Chairperson of the Association of Ombudsmen of the Francophone countries in West Africa.¹¹¹
- African Ombudsmen can also interact through the African Ombudsman Association.
- In 2001, the Angolan Ombudsman was invited by the Ombudsman of Macau to participate in an international conference on the Legality of the Public Administration. According to the Ombudsman, the meeting served to “broaden the interchange among the institutions that supervise the legality of public authorities and the application of justice in Portuguese speaking countries”. It therefore appears that there is some coordination among Portuguese speaking countries when it comes to the work of Ombudsmen.¹¹²
- Cooperation between Ombudsmen can also be hindered by lack of resources. The Zimbabwean Ombudsman noted in 2007 that lack of funding prevented her Office from attending any regional and continental workshops of Ombudsmen.¹¹³
- There are annual Conferences of African National Human Rights Institutes, but judging by the programme of the 7th Conference held in 2009, it appears that the Conferences are more targeted at National Human Rights Commissions in particular rather than at Human Rights Institutions (including Ombudsmen) in general.

WHAT COORDINATION AND INTERACTION IS THERE CURRENTLY BETWEEN INSTITUTIONS OF GOVERNANCE IN AFRICA (I.E. AU, NEPAD, PAP, ACHPR AND APRM)? IS THERE A GOOD GOVERNANCE FRAMEWORK PROVIDED FOR WITHIN THESE INSTITUTIONS?

The Ombudsman office will thrive in countries pursuing democratic ideals where the importance of good governance is recognised.¹¹⁴ Indeed, “the role of the Ombudsman in reconfiguring public administration to exhibit public participation, transparency, accountability to the public, justice and fairness is seen as being a contribution towards good governance”.¹¹⁵ At the same time, institutions on the African continent must pursue the ideal of good governance to both facilitate and compliment the work of Ombudsmen.

The African Development Bank is focused on the development of good economic and financial governance, which is certainly an aspect of good governance in general. The Bank has accordingly made good financial governance “an imperative in its lending and non-lending operations”, and seeks to “strengthen key governmental functions in countries with “limited state capacity”.¹¹⁶ In addition, the African Development Bank has created an Integrity and Anti-Corruption Division with the purpose of, inter alia, assisting member countries to detect and deter fraud and corruption in activities related to the Bank. According to the Bank’s website, “with the introduction of the Integrity and Anti-Corruption function, the Bank has expressed its intention to further position itself as the

¹¹⁰ <http://www.commonwealthnhri.org/FNHRI> (accessed 19 November 2010).

¹¹¹ http://www.africa-union.org/root/ua/actualites/2010/mars/psc/communique_niger_eng.pdf (accessed 5 October 2010).

¹¹² ‘Ombudsman in Macau for Forum On Legality’ *Angola Press Agency* 8 October 2007.

¹¹³ (n 88 above).

¹¹⁴ Kuye & Kakumba (n 7 above) 160.

¹¹⁵ Kuye & Kakumba (n 7 above) 162.

¹¹⁶ <http://www.afdb.org/en/topics-sectors/sectors/economic-financial-governance/overview/> (accessed 19 November 2010).

centre of excellence for good governance and a leader in anti-corruption efforts on the continent.”

The African Development Bank also runs institutional support projects for good governance. In 2006, for example, the Bank ran a project in Tanzania aimed at, inter alia, enhancing good corporate management practices and contributing to the development of a transparent and professional public procurement system. In 2005 the Bank started a project with Uganda to build the institutional capacity of five governance agencies, in order to improve the management of public resources. The expected immediate benefits of the project included the enhanced capacity of the aforementioned institutions to promote good governance. The project is still ongoing.¹¹⁷ Finally, in 2004, approximately USD 9 million was granted to help finance a project aimed at strengthening the national capacity in Madagascar to implement good governance programmes, with the ultimate aim of halving poverty in the country by 2015.¹¹⁸

At the continental level, the African Union (AU) has come to realise and recognise the importance of the promotion of democratic governance. The Constitutive Act of the AU contains a number of references to good governance, including in the objectives of the AU, which include the promotion of ‘democratic principles and instructions, popular participation and governance’. The principles of the AU also include ‘respect for democratic principles, human rights and the rule of law and good governance’.¹¹⁹ In July 2001, the AU (then known as the Organisation of African Unity) adopted a plan called the New Partnership for Africa’s Development (NEPAD), which has since been incorporated as an AU programme. The development strategy in NEPAD includes a democracy and political governance initiative that considers that ‘development is impossible in the absence of true democracy, respect for human rights, peace and good governance’.¹²⁰ This initiative includes commitments by participating states to meet basic standards of good governance, strengthening domestic institutions such as the public administration and legislative oversight mechanisms, and creating and strengthening national, sub-regional continental structures that support good governance.¹²¹

The United Nations Economic Commission for Africa promotes good governance and sustained economic development on the continent. It is currently studying and measuring aspects of good governance in Africa through the African Governance Project, which seeks to monitor and keep track of progress made, and to “establish consensus among a wide range of stakeholders on how good governance can be enhanced on the continent”.¹²²

In addition, article 15 of the African Charter on Democracy, Elections and Governance, which was adopted by the AU Heads of State Assembly in Addis Ababa, Ethiopia, in January 2007, specifically elaborates principles and best practice relating to these types of institutions.¹²³ The article provides that States should establish independent or autonomous public institutions to promote democracy, and should properly resource these institutions to

¹¹⁷ <http://www.afdb.org/en/projects-operations/project-portfolio/project/p-ug-kf0-003/> (accessed 19 November 2010).

¹¹⁸ <http://www.afdb.org/en/news-events/article/adf-strengthens-good-governance-in-madagascar-3675/> (accessed 19 November 2010).

¹¹⁹ Reif (n 15 above) 76.

¹²⁰ NEPAD Declaration (2001) art 79.

¹²¹ Reif (n 15 above) 76.

¹²² Fourth African Development Forum (ADF IV) *Governance for a Progressing Africa* ‘Perspectives on Governance in North Africa: Recommendations and Plan of Action’.

¹²³ Mpabanga (n 17 above).

allow them to work effectively and efficiently.¹²⁴ This Charter has been described as one of the African Union's attempts to instil good governance and respect for human rights. To date only three States have ratified the Charter, with 29 States having signed it.¹²⁵ It is submitted that States could enhance the effectiveness of Ombudsman Offices by signing and ratifying the charter, whose objects include access to information, freedom of the press, promotion of gender equality in governance and democracy, and respect for democracy and human rights.¹²⁶ However, it has been reported that "few African countries practise what the African Charter on Democracy, Elections and Governance preaches".¹²⁷ Therefore, despite the lofty aims of this Charter, it is not well ratified and not well implemented. However, it does create the necessary framework for promoting good governance on the African continent, as well as for establishing Ombudsman offices.

It must be noted that the African Commission on Human and Peoples' Rights exists under the African Human Rights system. Among its duties, the Commission can, in limited circumstances, take communications from entities other than States,¹²⁸ and it has been argued that given the broad language of the provision, domestic Ombudsmen should be able to make communications to the Commission arguing that a member State has violated one or more of its African Charter obligations. Indeed, in 1998, the African Commission resolved to allow African national human rights institutions to have observer status before the Commission if they meet certain criteria.¹²⁹ Despite this potential for coordination with Ombudsmen, Ombudsmen in Africa have not taken advantage of the possibility of submitting communications to the Commission. It must also be noted that in limited circumstances Ombudsmen may be able to access the future African Court on Human and Peoples' Rights directly in contentious cases.¹³⁰

There is certainly a framework for good governance provided under the African Union system. Indeed, the Pan African Parliament recognizes the importance of promoting good governance on the continent, and the African Peer Review Mechanism specifically questions African States on measures taken to promote democratic and good governance in their countries. It is submitted that this framework provides a good basis for the work of African Ombudsman. However, it is not clear that current Ombudsmen are sufficiently interacting with any arms of the African Union system.

It has been recognized that some Ombudsmen rely on constitutional human rights provisions in their work.¹³¹ International Human Rights Law should be a fundamental basis of the work of Ombudsman in Africa, and it is therefore submitted that African Ombudsmen should be informed of and trained on various IHRL provisions relating to good governance, and the implementation of these provisions needs to be further advocated for across the continent.

¹²⁴ Darga (n 85 above).

¹²⁵ <http://www.africa-union.org/root/AU/Documents/Treaties/treaties.htm> (accessed 5 October 2010). In a statement by the Minister of International Relations and Cooperation at the Opening Ceremony of the 3rd Ordinary Session of the Pan-African Parliament on 4 October 2010, the Minister noted that the South African Government is in the advanced stages of ratifying the instrument.

¹²⁶ Mpabanga (n 17 above).

¹²⁷ Mpabanga (n 17 above).

¹²⁸ African Charter on Human and Peoples' Rights (1986) art 56.

¹²⁹ Reif (n 15 above) 216-7.

¹³⁰ Reif (n 15 above) 217.

¹³¹ Reif (n 15 above) 252.

WHAT INTERACTION IS THERE BETWEEN AFRICAN OMBUDSMEN AND REGIONAL OR INTERNATIONAL BODIES, AND FOR WHAT PURPOSE? HOW FREQUENTLY DO THEY INTERACT, AND WHAT HAVE THE CONSEQUENCES OF THIS INTERACTION BEEN?

"There has been little interface between the African regional human rights system and domestic Ombudsmen".¹³²

HOW ARE THE OMBUDSMEN PERCEIVED IN AFRICA, HOW WELL ARE THEY KNOWN AND HOW OFTEN ARE THEY UTILIZED?

Perception of Ombudsmen

The research findings indicate that the independence of the Office of the Ombudsman is compromised. For example, respondents from the office indicated that although the Act provides that 'the Ombudsman shall not be subject anybody's control or direction', in reality it is not independent as it reports to the President, not to Parliament.¹³³

The relationship between the Office of the Ombudsman and the public was described by staff in the Botswana Ombudsman's Office as one of 'mutual trust, though the independence of the office is still being questioned'. The Ombudsman's Office also informs the public of its right to be heard speedily and empowers the public with knowledge and understanding of its role and function. According to one respondent, 'about 55 per cent of the country's population is aware of the existence of the Office of the Ombudsman, though more still needs to be done to enhance/increase public awareness'. According to the Annual Report, a survey in 2007 of 277 people in seven villages and towns rated the level of awareness as ranging from 40.4 per cent to 69.6 per cent. Efforts to intensify and increase awareness include the employment of a public relations officer to increase the number of public education campaigns (Ombudsman 2006/07). Members of the public who wish to complain about work done by the Ombudsman must go through the hierarchy within the office. Depending on the complexity of the complaint, it is either passed on to the senior officer or delegated to a junior officer. In addition, there is a customer feedback system in place. According to respondents from the Ombudsman's Office, the public has access both to the head office in Gaborone and to a branch office in Francistown. There is also a mobile office and, they said, 'the Office of the Ombudsman is friendly to disabled persons. A huge variety of complaints is brought to the Office of the Ombudsman.

Among these are non-jurisdictional employment issues, land disputes, and delayed court claims. 'The office receives any kind of complaints, which are thereafter analysed to determine jurisdiction and rejected where the Ombudsman's jurisdiction is limited.' When asked to indicate whether the public has sufficient appreciation of the role and mandate of the Ombudsman, the respondents' view was that 'the public has serious concerns about the Ombudsman's Office'. Some respondents indicated that the public's response depends on the way complaints are resolved. For example, if the complaint is resolved in favour of a member of public that person will have a positive perception. However, if the decision goes against the member of the public the response will be a negative perception that the office is not effective. Some expectations are said to be unrealistic, in view of the fact that the

¹³² Reif (n 15 above) 252.

¹³³ Mpabanga (n 17 above).

Ombudsman's Office derives its mandate from an Act of Parliament, which restricts its area of operation.¹³⁴

Utilisation/effectiveness of Ombudsmen

The findings suggest that, overall; the Office of the Ombudsman in Botswana is effective. For example, according to the Annual Report 2006/2007, 90 per cent of its recommendations were implemented by the ministries and departments concerned and 216 of 251 cases received in Gaborone were resolved. The Annual Report further states that the office's publicity campaigns have improved the responsiveness of departments to the Ombudsman's queries and there has been an improvement in the amount of time it takes to resolve a complaint. Respondents supported the view that the Ombudsman's Office was effective.¹³⁵

The success of the office has been enhanced by its efforts to increase accessibility by those residing in remote areas and by education campaigns to create awareness of the role of the Ombudsman and of the public's rights. In addition, the development of a computerised case-management system, the creation of a website, and the building of office blocks in Gaborone and Francistown contributed to the successful resolution of cases. However, there was a mixed response from interviewees to the question of how effective the office was, particularly in relation to the implementation by some government departments of remedial action or recommendations. While some media reports identified areas of success in reducing cases of maladministration and of increasing compliance by government departments with recommendations others believed the office was ineffective in forcing government departments to implement or act on the Ombudsman's recommendations.¹³⁶

The Ombudsman of Namibia receives complaints that cover the range of her jurisdiction.¹³⁷

They were almost unanimous that the Ombudsman has done very well in the mandated areas of protection of human rights and combating injustice and maladministration in the public sector, citing the number of cases the Ombudsman has handled as a clear sign of achievement. Some credited the person of the current Ombudsman, not the office itself, with this success, arguing that during the tenure of the first Ombudsman the office was virtually unknown, not only by the general public but by the media. The current Ombudsman has changed that by holding workshops for members of civil society and inviting the media to cover his activities...not all of the respondents were sure, however, that complaints from ordinary citizens about poor service provided by government agencies was a direct result of these publicity campaigns.¹³⁸

- In Mauritius, according to the latest published report of the Ombudsman, 355 cases were reported to the office in 2007. With the backlog from the previous year added, 548 cases were dealt with in total, of which 120 were rectified and two partly rectified. As at the end of December 2007, 183 cases were pending. On average about 600 cases are received annually by the Ombudsman Office (annual reports

¹³⁴ Mpabanga (n 17 above).

¹³⁵ Mpabanga (n 17 above).

¹³⁶ Mpabanga (n 17 above).

¹³⁷ Reif (n 15 above) 236.

¹³⁸ Kapa (n 57 above).

2001-2007). The Ombudsman explained that it might take anything from three weeks to three months to deal with a case.¹³⁹

- In Ghana in the 1993-8 period, the CHRAJ received on average 4 000-5 000 complaints per year. In 2000, 9265 cases were submitted. In 2001, the CHRAJ received 10595 complaints.¹⁴⁰
- In Sudan approximately 200 cases a year are dealt with, “surprisingly low for a nation with a population of 18 million. A report by the International Commission of Jurists in 1978 found that this was probably due to understaffing and lack of funds”.¹⁴¹
- In Nigeria in the early 1980’s approximately 6000 cases were heard per year.¹⁴²
- In Lesotho, between its establishment in 1996 and March 2009, the office of the Ombudsman received 6 076 complaints about administrative agencies of the state, comprising only 50 corruption cases and 28 human rights cases, but 1 094 cases relating to injustice and 1 140 relating to maladministration, as well as 3 764 unclassified cases. It was clear from the report that the Ombudsmen is mainly used by public servants – the number of complaints from the general citizenry appears to be insignificant, in fact, virtually non-existent.¹⁴³
- In Namibia, the number of complaints received for 2006 decreased to 2060 compared with 2257 the previous year. An analysis of the type of complaints shows that a small proportion comprises human rights matters: 177 complaints related to basic human rights violations.¹⁴⁴
- In Botswana the 2006/07, report recorded a 90 per cent success rate in the implementation by ministries and departments of the office’s recommendations. The report revealed that 216 of the 251 cases received were resolved. Respondents attested to the effectiveness of the Ombudsman’s office, stating that it is able to resolve the majority of the cases that come before it. In his 2005/06 report the Ombudsman recorded 1 341 complaints, of which 1 287 (84%) were resolved.¹⁴⁵
- In Sierra Leone, the newly appointed Ombudsman received over a hundred complaints in just under a year.¹⁴⁶

Steps Ombudsmen have taken to improve their perception

In April 2006, the Namibian Ombudsman, in collaboration with NGOs, civil society organization and the Council of Churches, established the Ombudsman Human Rights Advisory Committee. The purpose of this move was to create a forum for exchange and dialogue regarding all areas of human rights that could make a difference in the lives of Namibian citizens. They organized 16 days of activism against gender violence in 2006.¹⁴⁷

The office in Botswana has made considerable progress since its establishment, by, among other things, its efforts to make itself more accessible to people in remote areas; education campaigns aimed at creating awareness of the Ombudsman’s role; the development of a computerised case-management system; the creation of a website and the building of an

¹³⁹ Darga (n 85 above).

¹⁴⁰ Reif (n 15 above) fn 86.

¹⁴¹ Hatchard (n 23 above) 256.

¹⁴² Hatchard (n 23 above) 257.

¹⁴³ Kapa (n 57 above).

¹⁴⁴ J Walters ‘The protection and the promotion of Human Rights in Namibia: The Constitutional mandate of the Ombudsman’ in N Horn & A Bosl (eds) *Human Rights and the Rule of Law in Namibia* (2008) 122.

¹⁴⁵ Mpabanga (n 17 above).

¹⁴⁶ (n 44 above).

¹⁴⁷ Walters (n 144 above) 128.

office block in Gaborone. The Office of the Ombudsman produces an Annual Report that is made available first to the National Assembly then to the public. The report is also posted on the Ombudsman's website (Mpabanga 2008; Ombudsman 2006/07). Respondents from the Office of the Ombudsman indicated that among the office's strategies for public outreach are circuit investigations and *Kgotla* meetings. Target groups are reached through the local media, public education campaigns, seminars and workshops. Other ways of reaching the public include addressing gatherings such as trade union meetings. During these gatherings, the public is informed about the Ombudsman's mandate, its achievements, limitations and challenges.¹⁴⁸

In Sierra Leone the perception of the Ombudsman has been improved through "publicity done in the print and electronic media on the role of my office; greater confidence in the person who holds the office; new Ombudsman office is prestigiously located in the old United Nations headquarters in the heart of Freetown – one of the busiest thoroughfares in Freetown; big and well-designed sign post with the crest of government displayed in front of the office".¹⁴⁹

With regard to transparency and the dissemination of information, the Mauritian Ombudsman Office distributes its annual reports widely and freely to institutions such as the National Library and individuals can buy it at a nominal price of about US\$10. The report is also posted on the office's website and feedback from the public is elicited by means of a suggestion box located at the Ombudsman Office.¹⁵⁰

The Lesotho office has bought an exclusive column, titled 'Monamoli', the Sesotho term for Ombudsman, in the Catholic Church-owned *Moeletsi oa Basotho* newspaper, in which it publicises its activities. In one of these columns, for example, the office published the findings of its enquiry into the delay/refusal by the appointed liquidator to pay the termination benefits of former employees of the now defunct parastatal, the Co-op Lesotho Ltd (*Moeletsi oa Basotho* 5 March 2009). The case has been successfully resolved and the complainants have been paid. The *Public Eye* also carried a story about the Ombudsman ordering the LHDA to pay compensation amounting to M72 786,84 (approximately US\$9 098) to an individual whose property it destroyed (Hoeane 2009, p 2). At the time of writing, the LHDA had yet to comply. The office has put in place a number of other strategies to boost public trust and confidence. It has allocated investigators, normally based at its headquarters, to the country's administrative districts, which they visit at least three times a year. It also distributes pamphlets and calendars to members of the public. Although there is provision for an information officer, whose primary responsibility is to publicise the office, the position is currently vacant.¹⁵¹

Recommendations from a report focussing on the Lesotho Ombudsman provide us with best practices that should be applied across the continent. In order to enhance the effectiveness of the office the method of appointing the Ombudsman must change. The office must also be decentralised, adequately resourced and legally empowered to ensure that its recommendations, decisions, and determinations are implemented. Its mandate must be broadened to cover the whole of the public service and the private sector to ensure more protection of citizens' rights. Lastly, and most importantly, Lesotho should, as sign of its commitment to democratic constitutional rule, sign, ratify and domesticate the African Charter on Democracy, Elections and Governance, which was adopted by the African

¹⁴⁸ Mpabanga (n 17 above).

¹⁴⁹ (n 44 above).

¹⁵⁰ Darga (n 85 above).

¹⁵¹ Kapa (n 57 above).

Union, of which Lesotho is a member, on 30 January 2007.¹⁵² The office uses a number of instruments to measure its success. The first is a notebook kept at the reception desk, in which people are asked to record their comments. Judging from the comments in this notebook, members of the public are generally satisfied with the work of the office. Secondly, members of the public are asked to write letters stating how they judge the Ombudsman's performance. The public response in this regard, too, has largely been positive. Thirdly, in 2007 the office engaged an independent consultant to conduct a survey aimed at gauging the opinions of the people on three key issues – *visibility*, *accessibility* and *effectiveness*. This is the only independent assessment the office has embarked on to date. The survey revealed that respondents rated the office 'poor to moderate' with regard to visibility and poor with regard to accessibility. Its effectiveness was considered 'moderate to excellent'.¹⁵³

WHO CURRENTLY ADVOCATES FOR GOOD GOVERNANCE IN AFRICA, PARTICULARLY IN RELATION TO THE INSTITUTIONS OF GOVERNANCE IN AFRICA?

It is clear that various bodies related to the AU, including the Pan African Parliament and NEPAD, advocate for good governance on the continent. The NEPAD lists a number of prerequisites for African countries to move forward in their quest for sustainable development. Key among these is the proper adherence to good political, economic, and corporate governance.¹⁵⁴

Good governance in public offices can be promoted through the promotion of the following principles: transparency; accountability (socially, economically, ethically, environmentally, etc); fairness; equity; independence, and discipline.¹⁵⁵

Finally, the Centre for Human Rights at the University of Pretoria in South Africa holds its good governance programmes annually. Established in 2000, the Good Governance Programme is a series of short courses, presented each year on the campus of the University of Pretoria, dealing with issues pertinent to good governance, with a special focus on the needs in the Southern African sub-region. Each course, lasting one or two weeks, is presented by local and international experts in the field, with a balance between academics and practitioners. There is a general course on good governance, presented each year in July, and other specialised courses throughout the year dealing with a range of relevant topics. Courses are primarily aimed at governmental officials, NGO managers and staff, as well as academics from Southern Africa.¹⁵⁶

WHAT SUPPORT IS THERE FOR COUNTRIES WISHING TO ESTABLISH OMBUDSMEN OFFICES?

The Governance and Institutional Development Division of the Commonwealth Secretariat works as a partner with all Commonwealth peoples, committed to providing excellent technical assistance for capacity-building and sustainable development in public institutions in particular, and in private-sector and civil society institutions with public responsibilities.

¹⁵² Kapa (n 57 above).

¹⁵³ Kapa (n 57 above).

¹⁵⁴ Presentation by RH Kempe entitled 'The UNECA and good governance in Africa' (2003) *Harvard International Development Conference*.

¹⁵⁵ (n 25 above).

¹⁵⁶ <http://www.ggp.up.ac.za/> (accessed 5 October 2010).

The technical assistance services include a package of policy workshops, pan-Commonwealth policy training courses, advisory missions, which assist with national policy formulation and implementation; in-country training courses, which develop the human resources needed for initiatives; institutional development; and research and publications, which review the results and feed back into the policy workshops. Part of the focus of the division is on good governance, and the Division has in the past been involved in workshops for Ombudsmen from the Caribbean area.¹⁵⁷

As was mentioned previously, the Médiateur of the French Republic has contributed towards the development and running of national and international mediation institutions, through fostering or facilitated the creation of similar institutions in countries in Africa.

The Economic Commission for Africa has recommended that the State should guarantee the immunity of members of Ombudsman institutions and should facilitate their activities through systematic enforcement of sanctions. Capacity-building programmes should be developed to strengthen such institutions.¹⁵⁸

ARE AFRICAN OMBUDSMEN SUFFICIENTLY EMPOWERED AND RESOURCED?

From the available information, it appears that African Ombudsmen are not sufficiently effective, as their current impact does not match their potential. It is clear that they are doing good work, and that some Ombudsmen Offices operate with the necessary authority and resources. However, it is also clear that many Ombudsmen do not. Indeed, “although the role of the Ombudsman is viewed as very important to the promotion of the protection of citizens’ rights, many observers, among them NGOs, have expressed the view that the Office of the Ombudsman in Mauritius should be given more power in order to be more effective”.¹⁵⁹ In a report studying the effectiveness as a democracy watchdog of the Office of the Ombudsman in Lesotho, it was found that although the relevant constitutional and legal provisions provide for the Ombudsman to be answerable to Parliament, his independence is potentially in doubt, given that he is a *de facto* appointee of the executive. It was also found that the executive does not support him sufficiently in his efforts to have the relevant administrative agencies comply with his recommendations, yet such compliance is essential to his effectiveness.¹⁶⁰ Also concerning Mauritius, a recent report highlighted the frustration from the fact that the public sector tends to drag its feet about responding to queries. Its powers to take action in cases of non-cooperation and in order to obtain prompt responses should be strengthened.¹⁶¹

Hatchard has noted that increasing confidence in the African Ombudsman offices will enable the Ombudsmen to become more effective. He noted that the number of complaints received throughout Africa is still disappointingly low, which may be an indication of the inaccessibility of the Ombudsmen. He also noted that “often budget, staffing and transport problems have seriously affected performance...there is an obvious and urgent need for more resources to be made available to tackle these problems”.¹⁶²

According to Hatchard, the Ombudsman concept is viewed with considerable suspicion because of both the sensitive nature of the investigations and the potentially politically

¹⁵⁷ <http://www.thecommonwealth.org/Internal/191086/20728/151468/gidd/> (accessed 5 October 2010).

¹⁵⁸ http://www.uneca.org/adfiv/documents/workshop_reports/North%20Africa.pdf (Accessed 10 September 2010).

¹⁵⁹ Darga (n 85 above).

¹⁶⁰ Kapa (n 57 above).

¹⁶¹ Darga (n 85 above).

¹⁶² Hatchard (n 23 above) 260.

damaging repercussions of the findings. Often this has led to governments paying mere lip-service to the concept, whilst others have simply declined to introduce it...the resource implications of the model are formidable for it is essential that the office is provided with a well-trained and experienced staff backed up by adequate resources...there must also be political will to make it work.¹⁶³ Government officials are frequently extremely cooperative with the Ombudsman once they realize that the office is an important protection for them against unfounded, malicious or unfair attacks.¹⁶⁴

PRELIMINARY CONCLUSION

It is evident that the Ombudsman institution has been widely adopted in Africa and that it has an important contribution to make towards good governance, an essential component to Africa's economic and political development. It was noted, however, that the Ombudsman institution is sufficiently flexible for it to be adapted to meet different needs and environments. There is accordingly some variance in the actual title used for the office, particularly in the French speaking countries where the title *médiateur* is preferred. There is a difference of focus between Ombudsmen in different countries. While some follow the classical role of handling complaints regarding maladministration in the public sector, others focus more on human rights abuse or corruption. These variations could mean that are different approaches to training and support are required.

It would seem, however, that there is a great degree of commonality between the different types of scheme and the differences may be more apparent than real. It will be possible to test this with the needs assessment questionnaire that is to be sent out to the various Ombudsman offices.

While there is perhaps a surprisingly large amount of information available on the African ombudsmen, there are many gaps in the scope of the research. This too will be probed in the questionnaire.

It was evident from the research that the ombudsman offices in Africa need to coordinate their activities more closely and require support in the form of training and lobbying.

¹⁶³ J Hatchard 'The Ombudsman in Africa revisited' (1991) 40 *International and Comparative Law Quarterly* 947-8.

¹⁶⁴ Hatchard (n 163 above).

QUESTIONNAIRE

METHODOLOGY

Drawing from the findings of the preliminary desk top research, a questionnaire was drawn up (Appendix A). This was translated into French. The questionnaire was then sent out to the various ombudsmen type organizations in Africa, with a request to complete and return it. The means of transmission was by e mail or post or both, depending on what address details were available. In all, questionnaires were sent to 43 African countries.

It soon became evident that there was no reliable list of addresses available and that it was very difficult to communicate electronically within Africa, with many technological problems being encountered. These need to be borne in mind by the AORC.

Owing to the slow initial rate of response, the assistance of the GTZ was enlisted to, through a variety of alternate means, encourage ombudsmen to complete and return the questionnaire.

All replies received as at 8 March 2011 were consolidated into the Questionnaire Analysis document, Appendix B.

ANALYSIS OF INFORMATION RECEIVED

Of the 43 countries to which questionnaires were sent out, 21 completed and returned them by 8 March 2011, which was treated as the cut off date to enable their inclusion into the analysis for the workshop. During the workshop, it was agreed to extend the deadline and a further four questionnaires were received, bringing the total to 25. This represents a 58% response. Not all sections were completed by all of them and multiple answers were permitted in others, accounting for the discrepancies in some of the totals per sections.

Of the responses received, there was some balance between French and English, with 9 coming from French speaking countries and 16 coming from English speaking countries.

The organizations that responded have been in operation from between 3 and 47 years, with the average being 10 years. Their main areas of focus were maladministration (19), governance and human rights violations (10) – multiple responses were possible. Corruption and police complaints accounted for 3 each.

The majority of organizations (19) had a central office with regional/satellite offices and 15 organizations were governed by a constitution rather than statute.

Twelve of the Ombudsmen rank equally to judges and 16 of them are appointed by the state president and 19 appointed for a fixed periods, with 13 of them having an option to renew. Seventeen of the offices are headed by a single individual.

Together, the organizations had an average of 26 operational staff and 57 support staff. The predominant activities of staff members are processing complaints (189), mediation (331), investigation and report writing (148), with 23 being in supervision/management.

All the organizations that answered the section on technology (20) had access to the internet and e mail. Eighteen of them have websites.

The highest requirement for **information** is in the areas of essential characteristics of ombudsmen (19), complaint management system (20) and filing system (19), reflecting a balance between academic and practical.

Comparisons with other complaints mechanisms, including commissions, courts, tribunals and regulators was indicated by 17 organizations as an area in which information was required.

There was less interest expressed in respect of information in the areas of the role and functions of ombudsman type offices (14), site visits at ombudsman/type offices in South Africa (14) and the existence of ombudsman/type offices in other countries and their details (12). Only ten organizations regarded information on the origin and development of the ombudsman type organization as being very useful.

Other areas in respect of which it was indicated that information was desired include:

- Different contextualization methods by Ombudsman institutions
- More information on reporting and enforcement
- Improved dialogue with Parliament and citizens
- Media relations
- Specific focus on Governance and Public Management in African environments
- New, non-traditional approaches to Ombudsman's work in African countries with weak Rule-of-Law environments
- The role of an Ombudsman Office in good governance and efficient public service delivery mechanisms
- Managing computerized claims
- Ombudsmen and the question of reform legislation

As far as **coordination** is concerned, there is some evidence of communication between the respective offices, but it is infrequent. That communication that there has been was generally rated as being beneficial. There is little awareness of organizations that support ombudsmen.

In addition to activities associated with the International Ombudsman Association, there is evidence of various different initiatives being operational in different regions of the continent of Africa. Chief amongst those initiatives are the Africa Ombudsman and Mediators Association, the West African zone of mediators and the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF). The meetings of these organisations are, however, infrequent.

Other means of contact and interaction include the exchange of information, collaborating for certain complaints and joint training; bilateral study tours; newsletters and correspondence; conferences and workshops and individual contact between various offices. Some offices answered that not a lot was happening.

As to the frequency of interactions with other African ombudsmen, only one office indicated that these took place quite often, while other ombudsman offices indicated that they

occurred periodically; two to three times a year or yearly. A few of the offices indicated that the interactions took place fairly infrequently.

That interaction that there was seen to be beneficial, with some of the benefits being the establishment of a real community; knowledge and experience sharing: an understanding of the modus operandi of other offices; the entering into of a memorandum of understanding; the sharing of experiences and innovative techniques and the harmonisation of practices.

As far as the role of the AU was concerned, most of the respondents indicated that it had played no role in coordination between the ombudsman offices. Two of the offices stated that such a role was performed by AMP/UEMOA.

One organisation expressed the view that: “there is much value to be gained in closer technical cooperation between institutions. Staff gains a lot more from direct exposure to the work of other Ombudsman institutions”.

Other comments received included that coordination would be especially useful with regards to shared problems and the sharing of skills.

With regard to **training**, the top six areas of demand are:

Ombudsman Environment	
Understanding of internal practice	21
Rectifying maladministration	25
Promoting good governance	23
Basic Principles of Law	
Administrative justice /Law	21
Ombudsman practice skills	
Complaint reception	22
Investigation	24

As is to be expected, these needs correspond to the main roles and functions of the respective organizations. They reflect a need for tools to address their respective mandates.

The most popular forms of training would be travelling to learning centres in South Africa or in the respective regions, each category receiving 13 votes.

Fifteen of the organizations have an annual budget for training and 22 of them have sent their staff members on training courses.

Twenty one of the organizations would prefer to receive training that counted as a credit to a qualification (19 of them would prefer a post graduate diploma).

Two weeks was the most desired period of training, with 17 votes. The average person would attend two courses per annum.

In the area of **advocacy**, there is comparatively little knowledge of or information available to organizations regarding sources of support for ombudsman institutions. Most organizations did receive updates regarding developments in the ombudsman field.

In response to the question whether they were involved in advocating good governance, one organisation indicated that this was outside of its mandate and another indicated that it did not do so directly. Other organisations answered that they did so through public awareness and education and through the investigation of complaints.

According to one organisation, the IOI or AOMA will assist countries wishing to establish ombudsman offices only if requested to do so. There seems to be very little other assistance available.

Initiatives that support the ombudsman institution include: NGO and public meetings; AOMA meetings and training programmes as well as encouragement; support from the AOMF and AMP/UEMOA; the news media, the citizens and some government units; the United Nations and the president and parliament of one of the countries.

NEEDS ASSESSMENT WORKSHOP AND PRIORITIES

The report was presented at a workshop of AOMA members that was held at the University of KwaZulu-Natal on 16 and 17 March 2011. The workshop was attended by delegates from the ombudsman/ médiateur offices of 24 African countries (listed in Appendix I) .

Certain additions and amendments to the report were recommended by the delegates present. These were incorporated into the report.

During the course of the workshop, the findings contained in the report were presented to the delegates. Thereafter, the delegates broke into groups according to language and areas of interest to consider the different elements of the report and to develop proposals identifying priority areas and strategies. The topics were grouped together as Information and Coordination and Advocacy and Research.

The reporters of the respective groups reported back to the plenary the priority interventions that had been identified by them. The facilitators then consolidated these inputs and this information formed the basis of further plenary discussions to gain consensus with regard to the most pressing priorities.

Flowing from this, using the ICTAR criteria, the following aspects were identified by the delegates as being the immediate priorities in respect of the needs of the views ombudsman offices:

A. INFORMATION AND COORDINATION:

[*Information* means the dissemination of knowledge, experience and data in a readily understandable format, and including the role and functions of ombudsmen/ *Coordination* means the coordination of the activities of the various African Ombudsman offices, between themselves, and between them and the external role-players.]

PRIORITIES AND ACTIONS

- (1) *Means of collecting information:* Establish effective systems for collecting necessary information relevant to specific offices, AORC, AOMA and ombuds generally;
- (2) *Storage of information:* Establish effective ICT and manual systems for storing collected information;
- (3) *Dissemination of information:* The AORC must be sufficiently resourced, and must establish effective systems for disseminating information on members' request, and also to non-members who seek information or assistance;
- (4) *Responsiveness of AORC:* AORC must establish effective systems to ensure responsiveness to requests from members of AOMA and others;
- (5) *Publicity:* Awareness campaigns to publicise AOMA, AORC, local ombuds and the role of ombuds generally in the local, regional and international contexts. The AORC must also distribute the AOMA periodical (monthly or quarterly) newsletters;
- (6) *Use of technology:* All available technologies, including social and business contact websites (facebook/ MySpace/LinkedIn, etc), together with other web-based applications such as twitter, YouTube, e-mail and sms's must be used to publicise and disseminate information relevant to specific offices, AORC, AOMA and ombuds generally;
- (7) *ICT training and capacity:* All ombuds offices and AORC must have adequate information technology capacity and training to carry out the listed priorities;
- (8) *Information consolidation and sharing:* Systems must be established, under the guidance of the AORC, to ensure the effective consolidation and of information from members, and the sharing of relevant information among members (including the sharing of annual reports of members);
- (9) *Websites:* The AORC (AOMA) and all members must establish websites, preferably on the same website template

(to be coordinated by AORC). Each member's website must be linked to the AORC website.

- (10) *Meetings and visits*: Regular, scheduled regional and national meetings must be held, and AOMA (and individual members) should arrange reciprocal visits among members.

B. ADVOCACY AND RESEARCH

[*Advocacy* means advocating good governance in state and private institutions through supporting the adoption of the institution of the Ombudsman and lobbying for the strengthening of the powers of the various Ombudsman offices/ *Research* means empirical and academic research on all aspects of the Ombudsman's functions, including the preparation of information and useful documents that add value to the work of the Ombudsman.]

PRIORITIES AND ACTIONS:

- (1) *Interaction and dialogue*: Regular interaction, through meetings, workshops, visits and conferences should be established with international, regional, governmental, judicial and civil society (including traditional mediators, AU, UN and ECOSOC) role players, to enhance the national visibility of ombuds, ombuds offices and AOMA;
- (2) *Networks and exchanges*: Establish formal and informal networks to facilitate the interaction and dialogue in (1) above, including too Human Rights Commissions where these exist in members' countries. Also, staff exchanges should be encouraged for skills and values development.
- (3) *Media relations*: Establish effective media (TV, newspaper, magazine, radio, etc) liaison systems;
- (4) *Good governance*: Promote all aspects of good governance as a priority;
- (5) *Social security, labour matters and human rights*: Ensure sufficient focus on these areas as priorities for advocacy and research;
- (6) *AOMA/AORC journal and publications*: AOMA, with the AORC, must establish a journal and other relevant publications (like monographs on specific topics) to enhance advocacy and research;
- (7) *Outreach programmes*: Outreach programmes, such as mobile clinics and school and prison visits must be encouraged.
- (8) *Libraries and resource centre*: AORC must establish a comprehensive library (book-based and ICT) and resource centre (with on-line capacity) for support of its members. Each member country should, within its resource capacity, do the same.
- (9) *Workshops, think-tanks study visits and conferences*: Workshops, study visits and conferences must be planned (by AORC and individual members) on specific advocacy and research topics.

- (10) *Collection of reports, awards and opinions:* The AORC must establish systems to collect and collate awards and opinions from members to serve as precedents and assist with research;
- (11) *Comparative legal studies:* The AORC must research comparative legal systems and laws governing the ombud function to assist in lobbying for improvements in all spheres of the ombud's function.
- (12) *Enforcement and implementation of ombud's decisions:* Specific attention must be given to methods (practical, policy-based or legislative intervention) to continually develop the enforcement and effective implementation of ombud's decisions.

C. TRAINING

A list of priorities was identified by the breakaway groups (attached as Appendix J). Drawing on this as well as on the conclusions from the questionnaire, the delegates in plenary arrived at the list of training priorities listed below:

1. Language communication training: Especially French in Anglophone countries, and English in Francophone countries
2. Ombudsman: Introduction, history, powers & principles.
3. Investigation techniques- general skills.
4. General complaints management in ombuds offices (methodology).
5. Leadership and management skills.
6. Good governance training- including administrative law, applied constitutional law and selected crucial legal topics.
7. Rectifying maladministration: advocacy and other steps.

MAIN CONCLUSION

The information obtained from the completed questionnaires represents a valuable body of knowledge for the AORC in setting up its operations and as the basis for future research.

It is evident that the African Ombudsman organizations require assistance in the areas identified by the ICTAR objectives in varying degrees. The strongest demand appears to be in the areas of information and training primarily in practical aspects of operating an ombudsman type organization. There was also an interest shown in greater cooperation between the ombudsman organisations on a more frequent basis. Although it was not specifically articulated, it is clear that there is a need for greater support of the ombudsman function. The fairly limited involvement of ombudsman in advocating for good governance presents an opportunity.

The needs assessment workshop in itself presented a useful opportunity for the respective ombudsman/ médiateur offices to interact and communicate. While there may be commonality in respect of the challenges facing the respective offices, it is evident that the multiplicity of languages, especially English, French, Portuguese and Arabic presents a real barrier to meaningful communication between the respective offices.

Appendix A

**Questionnaire available on request from AORC.
Structure and areas of questionnaire covered in
analysis in Appendix B.**

NEEDS ASSESSMENT QUESTIONNAIRE ANALYSIS

**FOR ESTABLISHMENT OF THE
AFRICAN OMBUDSMAN RESEARCH CENTRE (AORC)**

SECTION 1: ORGANISATION DETAILS

1.1.1 Countries that responded:

1. Benin
2. Botswana
3. Burkina Faso
4. Cote D'Ivoire
5. Ethiopia
6. Gambia
7. Gabon
8. Ghana
9. Kenya
10. Lesotho
11. Madagascar
12. Malawi – Missing 3.3.1 Ethics & Procedural fairness to end of Questionnaire
13. Mali
14. Mauritius
15. Namibia
16. Niger – 2.2.1 to 2.2.5 missing
17. Republic of South Africa
18. Senegal
19. Sierra Leone – the following questions are missing 1.1.10 to 1.1.15: 3.1.1 only first page:
3.1.2 to 3.1.5: 3.3.1 to 3.3.5: 3.4.1 to 3.4.4
20. Sudan – Missing from section 3.3.1 Report Writing to Project Management
21. Tanzania
22. Tchad
23. Togo
24. Uganda
25. Zambia

1.1.3 Years in operation:

- Longest: 47
- Shortest: 3
- Average: 10

1.1.4 Main focus of the organisation (Number per category):

Maladministration	19
Human rights violations	10
Corruption	3
Governance	11
Police complaints	3

other categories	<ul style="list-style-type: none"> • Serve as an intermediary to bring peace between the Government and the rebels • See Kenya Gazette Notice No. 5826 of 2007 • Grievances by citizens against Government units • Injustice & Environment • Misappropriation of government funds & protection of the environment • Research • Ethics • Enforcement of Leadership Code of Conduct
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1.1.5 **Structure (Number per category):**

Central office only	7
Central office with regional/satellite offices	19

1.1.6

CONTACT DETAILS		
Benin	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Oswald PADONOU/ Karl AGBANGLA 00229 20214787 / 00229 20212022 pertinence2005@yahoo.fr 00229 20214787 01 BP 761, Porto-Novo, Benin
Botswana	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Ms K Mabothis/Ms O Itiseng 00267 3953322 oitiseng@gov.bw 00267 3953539 Private Bag BR 374, Gaborone, Botswana
Burkina Faso	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Sylvie Ovedraogo 0022650310837 Mediateur.faso@mediateur.gov.bf 0022650310837 01 BP 5577, Ouagadougou, Burkina Faso
Cote D'Ivoire	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	NANDJUI DOGBO Simon 00225 22 44 21 82 / 00 225 07 94 63 77 mediateur.ci@afnet.net 00 225 22 44 21 44

CONTACT DETAILS

		28 BP 1006 ABIDJAN 28, Cote D'Ivoire
Ethiopia	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Mr Leul Seyoum 251111580652 - - 4 Kilo Dabir Building, 2459, Addis Ababa, Ethiopia
Gabon	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	- - - - -
Gambia	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Mr Alhaji B Sowe 9966102 ombudsmangambia@gmail.com 4494606 132 Atlantic Rd, Cape Point, Bakau. P.O. Box 4113, Banjul, The Gambia
Ghana	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Mr. Henry Ashley +23 3244966643 chraj@ighmail.com +23 30302660020 Box A C 489 Accra
Kenya	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Executive Director +254303546952 ceo@ombudsman.go.ke/kmwige@hotmail.com - Office of the Prime Minister, Harambee Ave, 6 th Floor Nairobi, Kenya
Lesotho	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	GOL/Ombudsman +266 22316425 - +266 22310672 PO Box 12610, 2 nd Floor, Moposa House, Kingway, Maseru, Lesotho
Madagascar	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Mr Rabary, Mrs Iyri Rondrianja +261 (0)20-22-225-76, +261-32-02-388-19 or +261-24-666-42 (secretariat office) mediaturemadagascar@yahoo.com - 33 Rue du Dr Villette Isoraka- Antananarivo 101, Madagascar
Malawi	Person in charge of training & development: Telephone: E-mail:	Justice T Chizumila +26588108475 Chetuji14@yahoo.com

CONTACT DETAILS

	Facsimile: Postal Address:	- St Martins House, Private Bag 348, Lilongwe, Malawi
Mali	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Moustapha Sylla (223) 20 29 20 04 smoustapha79@yahoo.fr (223) 20 29 20 01 Bureau du Médiateur de la République, ACI 2000 - BP : E4736 Bamako- Mali
Mauritius	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Done by Ministry of Civil Service & Admin (230) 2084131 omb@mail.gov.mu (230) 2113125 4 th Floor, Bank of Baroda Building, Sir William Newton St, Port Louis, Mauritius
Namibia	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	E Rakow +26461 2073216 erakow@ombudsman.org.na +26461 226838 Private Bag 13211, Windhoek, Namibia
Niger	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Oumaria mamane 00279 6977002/002279 07002 - - 837 Niamey, Niger
Rep of South Africa	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Mr S Lentsoane 2712 366 7000 sebabal@pprotect.org - 175 Lunnon Str. Hillcrest Office Park, Hilcrest, Pretoria, South Africa
Senegal	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Mouhamed SECK Secetaire General 00 (221)338234531 Khadim1amar@yahoo.fr - BP: 6434 Dakar Etoile, Avenue des Diambars Dakar, Senegal
Sierra Leone	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Abdul Hassan Sesay +232 76 723 070 abdulhassans@yahoo.com - 43 Siaka Stevens Str, 5 th Floor, Freetown, Sierra Leone
Sudan	Person in charge of training & development:	President of the Board

CONTACT DETAILS		
	Telephone: E-mail: Facsimile: Postal Address:	0024918378009/00249912397428 Mohammed.7007@maktoub.com 00249183785464 P O Box 6139, Khartoum, Sudan
Tanzania	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	- +25522 2135747/8 - - Box 2643, Dar es Salaam, Tanzania
Tchad	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Toumar Nayo, Directeur de Cabinet 0023522 524478 Tnaya@yahoo.fr +235 225 24480 909 N'djamena, Tchad
Togo	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	- 002282211070 / 002282217879 cndhtogo@yahoo.fr 002282212436 37 Rue 74 Tokoin Doumassesse BP 3222, Lome, Togo
Uganda	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Secretary to Inspectorate of Government +256414259788 secig@igg.co.ug +256414257590 Jubilee Insurance Centre, Parliament Ave P.O.Box 1682 Kampala, Uganda
Zambia	Person in charge of training & development: Telephone: E-mail: Facsimile: Postal Address:	Ms Miyoba Musale 00260211 228330/1 commission@zamnet.zm 00260211 222295 Box 50494, Lusaka, Zambia

1.1.7 Preferred Language of Communication/Instruction:

Benin	French
Botswana	English
Burkina Faso	French
Cote D'Ivoire	French
Ethiopia	English
Gabon	French

Gambia	English
Ghana	English
Kenya	English
Lesotho	English
Madagascar	French
Malawi	English
Mali	French
Mauritius	English
Namibia	English
Niger	French
Rep of South Africa	English
Senegal	English
Sierra Leone	English
Sudan	Arabic/English
Tanzania	Kiswahili/English
Tchad	French/Arabic
Togo	French
Uganda	English
Zambia	English

1.1.8 What is the legal status of your office? (Number per category)

Governed by the Constitution	15
Governed by a statute	7

other	<ul style="list-style-type: none"> • Act no 031/PR/2009 • The Ombudsman Act • Act 99 – 04 of 29/01/99 Repealed • Organic Law • Order n 20IC-LR-023 12 August 2011 • Act 97-O22 of 14 March 1997
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1.1.9 Is the rank of the Ombudsman/ Médiateur equivalent to that of:

A Judge	12
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A member of the executive	3
Other	3 (Can be independent)

Benin	Independent Administrative Authority
Burkina Faso	President of the Republic
Botswana	Member of the High Constitutional Court
Gabon	Permanent secretary who reports to a Minister
Kenya	Anticipated following enactment of the Ombudsman Bill 2011 (new constitution of Kenya)
Lesotho	Independent Administrative Authority
Madagascar	Member of the High Constitutional Court
Mali	Can be independent
Senegal	Ministerial Rank
Sudan	Deputy Chief Justice
Tchad	Minister of State

1.1.10 Please list the laws or sections of the constitution that deal with the establishment and mandate of the Ombudsman/ Médiateur:

Country	Legal Mandate
Benin	Bill N 2009-22 August 11, 2009 establishing the Ombudsman of the Republic
Botswana	Section 18 of the Constitution lists Fundamental Rights and Freedoms which the Ombudsman may not be precluded from investigating
Burkina Faso	Act No 22/94 ADP of 17 May 1994 establishing a mediator of Burkina Faso
Cote d'Ivoire	Law No. 2000-513 1st August 2000 amending Constitution of 2 nd Republic of Cote d'Ivoire
Ethiopia	Federal Democratic Republic of Ethiopia, Constitution, Article 55(15) Proclamation for the Establishment of the Ethiopian Institution of the Ombudsman, No. 211/2000
Gabon	Decree No.1337/PR of C7 16, 1992, repeals order No.. 023/PR/2010 08 12, 2010
Gambia	The Office of the Ombudsman is an independent public institution established by the 1997 Ombudsman

	Act, in fulfilment of provisions of the 1997 Constitution of the Republic of The Gambia: Chapter 10 Section 163
Ghana	Article 216 – The establishment Article 218 – Mandate/Functions CHRAJ ACT, ACT 456
Kenya	<ul style="list-style-type: none"> – Kenya Gazette Notice No. 5826 of 2007 – Section 23 of the (old) Constitution of Kenya enabling the President to establish Public Offices – Article 59 of the (new) Constitution of Kenya, setting out the functions of the Ombudsman and providing for the establishment of a separate Ombudsman commission from the Kenya National Human Rights and Equality Commission
Lesotho	Section 134E of the Constitution of Lesotho
Madagascar	Order No 92012 of 29/04/1992/Decree No 92804 of 8th September 1992 determining the functions of the Ombudsman
Malawi	Section 120-128 of the Constitution of the Republic of Malawi 1994
Mali	Article 2 of Act 97-022: the Ombudsman of the Republic is appointed for seven (7) years by Decree of the President of the Republic. Its functions cannot be terminated prior to the expiry of this period unless there is an impediment or serious misconduct found by the Supreme Court. His mandate is not renewable.
Mauritius	Chapter IX of the constitution
Namibia	Chapter 10 (Article 89-94) of the Namibian Constitution & the Ombudsman Act, Act 7 of 1990
Republic of South Africa	Sections 181, 182, 183, 193 & 194 of the Constitution of the Republic of South Africa, 1996
Senegal	Law 99-04 dated 29 January 1999 repealing and replacing the Act 91-14 of 11 February 1991
Sudan	The Constitution of the Republic of Sudan (2 1998 (said Article 130) – repealed and re-enacted in substance by the interim constitution, 2005 (Article 143). The Public Grievances and Corrections Board Act, 1998.
Tanzania	Article 129 & 130 of the Constitution
Tchad	Articles 9, 10, & 11; Duration of mandate is not specified
Togo	Decree No 154 of the constitution: it is the institute of the mediator of the Republic's function to settle conflicts between the citizens and the administration. The Ombudsman of the Republic is an authorized independent administrative body appointed for a renewable term of 3 years by decree made in the General Assembly of Ministers.

	The composition, organization and training function of the Ombudsman of the Republic is set out in law. NB. This law was passed on 9 December 2003
Uganda	The Constitution of the Republic of Uganda – Chapters 13 (more specifically Article 225 (1), Paragraphs (a), (c) and (e)) and Chapter 14 The Inspectorate of Government Act No. 5 of 2002 The Leadership Code Act No. 17 of 2002 The Anti-Corruption Act No. 6 of 2009
Zambia	Chapter 39 of the Laws of Zambia

1.1.11 How is the Ombudsman/ Médiateur appointed?

By the State President	16
By the executive	3

other	<ul style="list-style-type: none"> • By Decree in Council of Ministers • Decree in Council of the Ministers • After notice of the President of the National Assembly • By the President of the Republic with the approval of Parliament (National Assembly) • By Parliament, through the Public Appointments Committee • By His Majesty the King on the advices of the Prime Minister • By Federal parliament • By Parliament
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Country	Method of Appointment
Botswana	State President does so in consultation with the leader of the opposition
Cote D'Ivoire	By the President of the Republic with the approval of National Assembly
Ethiopia	By Federal Parliament
Gambia	Subject to confirmation by the National Assembly
Ghana	By the State President in consultation with council of state
Lesotho	By His Majesty the King on the advices of the Prime Minister
Madagascar	Appointment by the Council of Government
Namibia	On recommendation of Judicial Service Commission
Republic of South Africa	By Parliament
Sudan	By the President of the Republic with the approval of Parliament (National Assembly)
Tchad	By a decree of the Council of Ministers
Togo	By a decree of the Council of Ministers
Uganda	By the State President with the approval of Parliament

1.1.12 How is the Ombudsman/ Médiateur removed from office?

Country	Method of Removal
Benin	Only if he is found guilty of gross misconduct by the Supreme Court
Botswana	<ul style="list-style-type: none"> • Upon the expiry of his 4 year term • In the same manner as a judge may be removed under the Constitution of Botswana •
Burkina Faso	The ombudsman cannot be removed from office prior to expiry of his/ her mandate, except in the case of a finding of gross misconduct, by the High Court upon referral by the Head of State
Cote d'Ivoire	In the case of a finding of gross misconduct by the Constitutional Council upon referral by the President of the Republic.
Ethiopia	Upon the grounds specified under article 15(1)(b) of the proclamation, subsequent to investigation of the matter by a special Inquiry Tribunal to be formed.
Gabon	The appointment of the ombudsman can be revoked if he is found guilty of gross misconduct by the Constitutional Court upon referral by the President of the Republic; the Prime Minister; the Chairman of the National Assembly or the President of the Senate.
Gambia	The removal of the Ombudsman from office is prescribed by Section 164(6) of the 1997 Constitution of the Republic of the Gambia: " An Ombudsman or Deputy Ombudsman may only be removed from office by the president for inability to discharge the functions of his or her office(whether arising from infirmity of mind or body or from any other cause) or for misconduct, and shall not be removed unless the National Assembly has appointed a tribunal to investigate the case and his or her removal has been approved by resolution of the National Assembly supported by the votes of not less than two-thirds of all the members of the National Assembly. The Ombudsman or a Deputy Ombudsman shall have the right to be heard and to be legally represented before the tribunal."
Ghana	By the Chief Justice on grounds only of stated misbehaviour, incompetence or inability to perform his function and upon a resolution supported by the votes of not less than two thirds of all the members of the judicial council.
Kenya	Currently serving on Contract, not statute. Article 251 of the new Constitution of Kenya sets out the grounds and procedure for removal.
Lesotho	<ul style="list-style-type: none"> • Under Section 134(2) and 3 of the Constitution read with Section 4 of the Ombudsman's Act 1996 – Ombudsman can be removed by the King upon recommendation of a tribunal.

	<ul style="list-style-type: none"> • Or, under Section 4 of the Ombudsman Act 1996 or effluxion of time.
Madagascar	He's not revocable. Except for serious misconduct. His mandate is to 6 years non-renewable
Malawi	Section 128 of the Constitution, the reasons being disqualification, gross misconduct and reaching 65 years of age.
Mali	Article 2: The Ombudsman of the Republic is appointed for seven (7) years by Decree of the President of the Republic. Its functions cannot be terminated prior to the expiry of this period unless there is an impediment or serious misconduct found by the Supreme Court. Its mandate is not renewable.
Mauritius	Our Constitution provides that he may be removed only on the ground of inability to discharge the functions of his office, whether arising from infirmity of body or mind or any other cause or for misbehaviour. In such a case the question of removal from office must be referred to a Tribunal appointed by the President in his own deliberate judgement, such Tribunal to be composed of a Chairman and not less than two other members, being persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in any part of the Commonwealth or of a court having jurisdiction in appeals from such a court. The Tribunal inquires into the matter and reports to the President with a recommendation whether the Ombudsman ought to be removed or not. This procedure is equally applicable in the case of the Chairman or Commissioner of the Public Service Commission or the Disciplined forces Service commission and the members of the Judicial and Legal Service Commission
Namibia	By the President, acting on Recommendation of the Judicial Service Commission on the grounds of incapacity or gross misconduct. Article 94 of Namibian Constitution
Niger	Resignation or impediment observed
Republic of South Africa	The Public Protector may be removed from office only on the ground of misconduct, incapacity or incompetent
Senegal	Six (06) years non-renewable and non-revocable mandate
Sudan	Lack of capacity; Acceptance of resignation by the President of the Republic; Relief from office because of incurable disease, or in case of conviction by a competent court of an offence involving honour or honesty; Death.
Tanzania	Retirement, Misconduct, Resignation, Death
Tchad	The Act is silent on this issue

Togo	The Médiateur is removed/ replaced only by decree of the meeting of the Ministers. That will only happen in the case of gross misconduct. According to his mandate, only the Constitutional court can decide upon the revocation of appointment/removal of an ombudsman. Before this can be done, the President of the Republic must approach the constitutional court to have the ombudsman removed. This is stated in decree 3 of 2003. (Art 3 of the Organic Act No. 2003-21 of 9 December 2003 amending powers of the Médiateur of the Republic and status, composition, organisation and functioning of its services)
Uganda	Under Chapter 13 of the Ugandan Constitution, the Ombudsman or Inspector General of the Government as they are referred to in Uganda, may be removed from office under the following circumstances: 1) Upon expiry of a four year term that may be renewed only once for another four years by the Head of State with the approval of Parliament. 2) The Inspector General of Government or Deputy Inspector General of the Government may be removed from office by the President on the recommendation of a special tribunal constituted by the Parliament only for: a) Inability to perform the functions of the office due to infirmity of body or mind b) Misconduct, misbehaviour of conduct unbecoming of the holder of the office c) Incompetence.
Zambia	Upon attaining the retirement agreement of 65 years old or misconduct

1.1.13 How is the Ombudsman/ Médiateur's office structured?

As a board	3
As a commission	4
Headed by single individual	17

Country	Structure of office
Ghana	3 Commission members
Madagascar	Headed by single individual, as a Public Service office with cabinet members, directors and a Secretariat
Malawi	Headed by the Ombudsman, whom through the Ombudsman's Act may appoint officers to assist him/her in discharging the functions of the office

Uganda	It is headed by an Inspector General of Government assisted by two deputies and is structured into six major Directorates that are established in accordance with the three primary mandates of the office which are Anti-corruption, Ombudsman and Leadership Code Enforcement.
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1.1.14 If the Ombudsman/ Médiateur's office is headed by a single individual, is there a deputy Ombudsman/ Médiateur?:

Yes	7
No	12
Other	1

Country	
Botswana	Executive Director – Legal Services
Gambia	Two Deputies
Lesotho	Assistant to the Ombudsman and Chief Legal Officer (to assist the Ombudsman)
Madagascar	Two mediators assistants, one is deceased and not replaced so far
Zambia	There are three commissioners who are also appointed by the President and these assist the Ombudsman

1.1.15 Please list the powers and functions of the Ombudsman/ Médiateur's office:

Country	Powers and functions of Ombudsman office
Benin	The Médiateur of the Republic receives the grievances of citizens relating to the functioning of central agencies of the State, decentralized authorities, public institutions and comes up with equitable solutions. It makes proposals to the Head of State regarding the proper functioning of State agencies and efficient public services. It contributes broadly to the improvement of the rule of law and administrative governance
Botswana	<ul style="list-style-type: none"> • To investigate incidents of maladministration and violation of fundamental human rights in the public sector • Recommend remedial action • Review the lawfulness of public authorities' actions and decisions • Undertake own motion investigations • Power to subpoena witnesses to give evidence
Burkina Faso	To act as an intercessor between the administration and those administered. Powers: power of investigation, verification, sanctions/ enforcement,

Country	Powers and functions of Ombudsman office
	making reports (both special and annual); proposals for law reform; power of instituting a complaint on its own initiative and making recommendations.
Cote d'Ivoire	<p>Without prejudice to the powers recognised in other State Institutions and structures, the Médiateur of the Republic receives disputes of any kind relating to:</p> <ul style="list-style-type: none"> • The mistreatment of citizens by the Public Administration; • The mistreatment of citizens by the provincial and municipal authorities and other institutions of public service; • It may assist in the strengthening of social cohesion and contribute towards reconciliation between the Public Administration and the socio-professional organisations.
Ethiopia	<ul style="list-style-type: none"> • Supervise that administrative directives issued and decisions given by the executive organisations and the practices thereof do not contravene the constitution • Receive and investigate complaints in respect of maladministration • Conduct supervision with a view to ensuring that the executive carries out its function in accordance with the law and the prevention of maladministration • Undertake studies and research on ways and means of curbing maladministration • Seek remedies in cases where it believes that maladministration has occurred and conduct such other functions
Gabon	The power to investigate, the power of instruction, of recommendation, the power of reform, power of disciplinary action.
Gambia	<p>The function of the Office is to provide free-of-charge redress to all members of the public who are aggrieved by official actions of Public Officers. It investigates complaints of injustice, unfair treatment, abuse of power, maladministration, discrimination, corruption, and mismanagement, perpetrated by public officers against fellow public officers, or against other members of the public in the execution of their official duties.</p> <p>The members of staff of the Office enjoy immunity from civil or criminal proceedings for their official actions done in good faith. The Ombudsman enjoys wide-ranging powers as provided by the Ombudsman Act such as: power to determine the nature and extent of any investigation; to enter any premises or any parts of any building; to have access to any information, or even seize any document deemed necessary in connection with an investigation; to obtain particulars of and put questions to any person; and to examine witnesses under oath. The Ombudsman can also summon any person who is a subject of investigation; and also has the powers to effect the arrest of any person who refuses to appear before the Ombudsman.</p>

Country	Powers and functions of Ombudsman office
	These powers, among others, ensure that the Ombudsman cannot be intimidated, or obstructed by any person or institution within its remit. In other words, they seek to enhance the independence of the Office from outside interference.
Ghana	<ul style="list-style-type: none"> • To issue subpoenas • To question any person in respect of any subject matter under investigation before the Commission • To investigate complaints of violation of fundamental human rights and freedoms, injustice, corruption and unfair treatment of any person by a public officer. • To investigate complaints concerning the functioning of the Public Service Commission, the administrative organs of state etc. • To investigate all instances of alleged or suspected corruption and the misappropriation of Public moneys by officials
Kenya	Kenya Gazette Notice No. 5826 of 2007 which sets out the entire mandate of the Public Complaints Standing Committee/Ombudsman in Kenya
Lesotho	<ul style="list-style-type: none"> • To investigate and inquire (section 135(2)) of the constitution • Functions to report annually and specially to parliament • Makes determinations and recommendations
Madagascar	<ul style="list-style-type: none"> • The Ombudsman receives claims regarding the dysfunction of the administration (Art-1 Art-8 Art- 9 Power of inquiry, Mediation
Malawi	Investigate all cases of alleged injustice if it does not appear that there is any remedy reasonably available by the way of proceedings in court or by way of appeal from a court or where there is no other practicable remedy.
Mali	The Ombudsman of the Republic rules on the claims submitted on a case by case basis. He analyses the facts to determine if there was maladministration of the body in question. He has the power of training and investigation and can access any document or information relating to the case before him. When the complaint appears justified, the Ombudsman of the Republic makes recommendations to resolve the difficulties. He may submit an injunction to the body concerned, particularly when it involves a refusal to execute a court decision. When he gets no satisfactory answer, he recommends to the President of the Republic to give the authority concerned any directive that he considers useful.
Mauritius	<ul style="list-style-type: none"> • See Chapter IX of the Constitution
Namibia	<ul style="list-style-type: none"> • As per Article 91 & 92 of the Namibian Constitution • Section 3 & 4 of Ombudsman Act 7 of 1990
Niger	The Médiateur can ask and obtain from the administration the

Country	Powers and functions of Ombudsman office
	<p>satisfaction of a complaint concerning a person or a body. He can ask any administration/staff to produce any legal documents related to a matter that he is investigating. He can write a special report that will be given to the President. He can also write any report that can be taken to court as long as it is related to administration. He can write a paper about any decree or article that is related to his power of jurisdiction.</p> <p>He can ask for and obtain any papers/documents related to the complaint.</p> <p>He can make /draft/write any special report that will be given to the President about a decree or decision that was taken by the court about the ruling or the functioning of the administration.</p>
Republic of South Africa	<ul style="list-style-type: none"> • Investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice; • To endeavour, in his/her sole discretion, to resolve any dispute or rectify any act or omission by mediation, conciliation, negotiation, advising where necessary, any complainant regarding appropriate remedies or any other means that may be expedient in the circumstances.
Senegal	<p>Receives complaints concerning the functioning of public administrations, municipalities, public institutions and from communities regarding the public service</p> <ul style="list-style-type: none"> • Improvement of the economic environment of institutional enterprises by the public administration • Formulate proposals for law reform texts • May intervene in equity
Sudan	<p>Section 7 of the Act enumerates 14 Functions related to public grievances and overseeing Central Government units – besides this, the Board considers any laws the application of which may lead to injustice.</p>
Tanzania	<p>Power:</p> <ul style="list-style-type: none"> • To investigate any human rights abuses or maladministration • Promote negotiation and compromise between the parties concerned <p>Functions:</p> <ul style="list-style-type: none"> • To promote within the country the protection and the preservation of human rights and duties to the society in accordance in the constitution and the laws of the land
Tchad	<ul style="list-style-type: none"> • Initiative in the field of peace; • Receive and investigate complaints;

Country	Powers and functions of Ombudsman office
	<ul style="list-style-type: none"> • Assistance to citizens to enhance their rights; • Suggestions regarding the rapid settlement of disputes; • Proposals for reform
Togo	<p>The Médiateur of the Republic is responsible for receiving complaints regarding the function of State affairs/administrations, public territorial groups/organisations, public establishments and any other body invested with a public service mission in their relations with their constituents. It cannot intervene in judicial proceedings or calling into question the merits of a court decision.</p> <p>In the event of a breach of a decision of justice having had been acquired/authorised, it can require a body to order its compliance within a period prescribed by it. If this order is not followed up, the breach of the decision becomes subject to a special report that is presented and published in an official journal.</p> <p>The Médiateur of the Republic may not deal with disputes between public bodies and their officials. When a complaint is upheld,, the Ombudsman of the Republic makes recommendations aimed at resolving the complaint and, where appropriate, make recommendations in equity. When administration does not give effect to a recommendation within the period specified, he can make them public.</p> <p>It has a power to take disciplinary or criminal action to the competent authority against an offending agent in the event of failure.</p>
Uganda	<ul style="list-style-type: none"> • The functions and powers of the Inspectorate of Government are primarily covered under Articles 225 and 230 of the Ugandan Constitution. See: http://www.ugandaonlinelawlibrary.com/files/constitution/constitution_1995.pdf
Zambia	<ul style="list-style-type: none"> • Power to issue summons to witnesses • Power to issue warrants of arrest for witnesses who deliberately fail to appear before the commission • To redress grievances of maladministration in public institutions • To promote public awareness on the existence of the services provided by the commission • To ensure that social justice and fair treatment is given to the members of the public by Government and Parastatals • To identify and propose solutions to areas of administration

1.1.16 If the Ombudsman/ Médiateur’s office is headed by a single individual, what is the tenure of the Ombudsman/ Médiateur?

Life appointment	3
Appointment for a fixed period	19

Benin	5 years
Botswana	4 year term
Burkina Faso	5 year renewable mandate
Ethiopia	5 years
Gabon	5 years
Ghana	Life appointment until retirement, 65-70
Lesotho	4 years fixed period; may be extended mutually
Madagascar	6 years
Malawi	The Public Appointments Committee may appoint that person for further terms as it considers appropriate unless that committee decides to terminate the appointment in accordance with the Constitution
Mali	7 years
Senegal	6 years
Sierra Leone	One term of 5 years
Sudan	5 years, subject to renewal
Tanzania	3 years
Togo	3 renewable years
Uganda	4 year term renewable only once by the President with Parliament's approval
Zambia	Until he/she reaches 65 years

1.1.17 **If the appointment is for a fixed period, is there the possibility of reappointment for a further period?**

No	7
Yes	13
N/A	1

Botswana	<ul style="list-style-type: none"> • Another 4 year term
Ethiopia	<ul style="list-style-type: none"> • 2 term appointment
Gabon	<ul style="list-style-type: none"> • Once
Gambia	<ul style="list-style-type: none"> • Subject to reappointment without limit
Kenya	<ul style="list-style-type: none"> • Initial appointment was for 3 years. • Current committee Members have had their contracts renewed for a further 18 months
Lesotho	<ul style="list-style-type: none"> • Two terms as in 1.1.16 above

Senegal	<ul style="list-style-type: none"> • Every four years
Sierra Leone	<ul style="list-style-type: none"> • For a maximum of two terms
Sudan	<ul style="list-style-type: none"> • Unlimited
Tanzania	<ul style="list-style-type: none"> • 3 years
Togo	<ul style="list-style-type: none"> • Renewable indefinitely
Uganda	<ul style="list-style-type: none"> • One additional four year term

1.1.18 **Does your organisation belong to any of the following organisations:**

International Ombudsman Association (IOI)	15
Association des ombudsman's et Médiateur's de la Francophonie (AOMF)	10
African Ombudsman Association (AOMA)	23

Benin	Association of mediators of member countries of the West African Economic and Monetary Union (AMP-WAEMU)
Burkina Faso	Association of Mediators of member countries of the EU
Cote d'Ivoire	Association of mediators of member countries of the West African Economic and Monetary Union (AMP-WAEMU)
Ghana	International Ombudsman Association (IOI) African Ombudsman Association (AOMA)
Madagascar	Association des ombudsmans et médiateurs de la Francophonie (AOMF) African Ombudsman Association (AOMA)
Mali	International Ombudsman Association (IOI) African Ombudsman Association (AOMA) Association des ombudsmans et médiateurs de la Francophonie (AOMF) AMP - UEMOA
Namibia	Human rights related
Senegal	Association of Ombudsman and mediators of UEMOA (AMP – WAEMU), AOMF and AOMA
Sudan	Arab Ombudsman Association (Secretariat in Cairo)
Togo	AMP/UEMOA (Association of mediators of member countries of the West African Economic and Monetary Union of)
Uganda	International Ombudsman Association (IOI) African Ombudsman Association (AOMA)

SECTION 2: OPERATIONAL DETAILS

2.1 HUMAN RESOURCE CAPACITY:

2.1.1 Please supply us with a breakdown of your staff compliment:

Benin	
Total number of staff members	44
Total support staff	16
Total operational staff	28

Botswana	
Total number of staff members	80
Total support staff	20
Total operational staff	60

Burkina Faso	
Total number of staff members	81
Total support staff	52
Total operational staff	29

Cote d'Ivoire	
Total number of staff members	70
Total support staff	0
Total operational staff	10

Ethiopia	
Total number of staff members	112
Total support staff	73
Total operational staff	39

Gabon	
Total number of staff members	20
Total support staff	0
Total operational staff	20

Gambia	
Total number of staff members	34
Total support staff	25

Total operational staff	9
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Ghana	
Total number of staff members	763
Total support staff	532
Total operational staff	231

Kenya	
Total number of staff members	30
Total support staff	15
Total operational staff	15

Lesotho	
Total number of staff members	31
Total support staff	21
Total operational staff	9

Madagascar	
Total number of staff members	24
Total support staff	18
Total operational staff	6

Malawi	
Total number of staff members	63
Total support staff	0
Total operational staff	0

Mali	
Total number of staff members	43
Total support staff	8
Total operational staff	35

Mauritius	
Total number of staff members	14
Total support staff	6
Total operational staff	8

Namibia	
Total number of staff members	34

Total support staff	17
Total operational staff	17

Niger	
Total number of staff members	38
Total support staff	15
Total operational staff	53

Republic of South Africa	
Total number of staff members	250
Total support staff	127
Total operational staff	123

Senegal	
Total number of staff members	32
Total support staff	8
Total operational staff	0

Sierra Leone	
Total number of staff members	33
Total support staff	23
Total operational staff	10

Sudan	
Total number of staff members	20
Total support staff	19
Total operational staff	23

Tanzania	
Total number of staff members	217
Total support staff	80
Total operational staff	0

Tchad	
Total number of staff members	16
Total support staff	0
Total operational staff	0

Togo	
Total number of staff members	50
Total support staff	0
Total operational staff	50

Uganda	
Total number of staff members	Currently 14, should be 30
Total support staff	6
Total operational staff	14

Zambia	
Total number of staff members	35
Total support staff	18
Total operational staff	17

Average overall	
Total number of staff members	143
Total support staff	57
Total operational staff	26

Ratio of support staff to Operational staff

• Lowest – 1:20	0:0
• Highest	127:123
• Average	57:26

of which how many are:

- mainly involved in receiving and processing complaints

• Lowest	1
• Highest	189
• Average	108

- mainly involved in facilitation / mediation

• Lowest	0
• Highest	331
• Average	84

- mainly involved in both investigation and report writing

• Lowest	0
• Highest	148
• Average	81

- mainly involved in only investigation

• Lowest	0
• Highest	141
• Average	93

- mainly involved in only report writing

• Lowest	0
• Highest	49
• Average	26

- supervision/ management

• Lowest	0
• Highest	125
• Average	9

2.1.2 Please share any other information you feel is relevant regarding your Human Resource capacity:

Benin	A multi-disciplinary committee writes the reports. Complaints are dealt with by a specific person and all the investigations are carried out by that person. In particular, they can ask an external consultant to investigate.
Botswana	It must be noted the above figures are both for H/Q and the Regional office

Burkina Faso	Our process would run more smoothly if there were more staff to support the staff who are in charge of the processing of complaints, investigation and report writing.
Kenya	The PCSC is under resourced. The volume of complaints is much higher than the staff available. The remuneration levels are pegged at the normal Government salary scales. The result is a high turnover of talented staff moving to better paying jobs. Modernisation of processes through IT is helping to plug the gap, but cannot plug it fully. It is also necessary to have countrywide presence, which is currently not possible.
Lesotho	Insufficient operational staff and lacking in some skills
Madagascar	Functioning with a limited budget. The organization chart that was defined at the beginning is still not respected
Mauritius	Manpower does not match with the workload. Training specific to the organisation needed.
Niger	The Ombudsman is the authorising (accounting) officer. The Director of Cabinet, the authorising officer and the Secretary General are responsible for the management of personnel and equipment
Sudan	We intend to appoint more staff members
Tchad	Right now we have 13 staff members. This may change in future due to the decree which will be coming into effect soon.
Togo	The practice of the CNDH (National Human Rights Commission) is the drafting of reports concerning the complainants (applicants). The activities carried out in the course of a year are reported on in the annual report.
Uganda	The Directorate responsible for the Ombudsman Affairs is understaffed at present and this has hampered the effective distribution of workloads.
Zambia	The establishment is small such that most tasks are performed by the same people

2.2 COMPUTERS AND INTERNET CAPABILITY

2.2.1 Total number of computers

• Lowest	5
• Highest	250
• Average	96

2.2.2 Do you have access to the internet?

• Lowest	-
• Highest	20 of 20
• Average	100%

2.2.3 Do you have email?

• Lowest	-
• Highest	20 of 20
• Average	100%

2.2.4 Do you have a website?

• Lowest	0
• Highest	15 of 20
• Average	75%

Benin	<ul style="list-style-type: none">• www.mediateur.gouv.jb
Burkina Faso	<ul style="list-style-type: none">• www.mediateur.gov.bf
Cote d'Ivoire	<ul style="list-style-type: none">• www.lemediateur.ci
Ghana	<ul style="list-style-type: none">• Under construction
Kenya	<ul style="list-style-type: none">• www.ombudsman.go.ke
Malawi	<ul style="list-style-type: none">•
Mali	<ul style="list-style-type: none">• http://www.mediateur.insti.ml
Mauritius	<ul style="list-style-type: none">•
Senegal	<ul style="list-style-type: none">• www.mediaturedelarepublique.sn
Sudan	<ul style="list-style-type: none">• www.ombspubgriev.gov.sd
Togo	<ul style="list-style-type: none">• www/cndh-togo.org

2.2.5 Please share any other Computer related information you feel is relevant:

Benin	Computers are networked. Intranet allows file sharing and Messaging
Burkina Faso	The handling of complaints is entirely computerized and networked. The software that we use is called GREF
Ghana	We have: <ul style="list-style-type: none"> • Local Area Network – LAN • Accounting Packages: Payroll, General Ledger • Human Resource Packages: Management personel records • Legal Tracking System e-CMS • Others: Ghana Law Finder
Kenya	Complaints Management and Information Software System have been installed to improve internal efficiency in complaints-handling and management. The software system is web-based and accessible to the public, government departments and PCSC staff via the internet.
Lesotho	Unreliable services and service delivery and connectivity – often the system is down
Madagascar	The research centre should establish links with universities and the Grandes Ecoles (special elite universities) in African countries members of the Ombudsman association. Also to create a training centre whose headquarters are located in a country that is accepted by all.
Mali	Client server: 31 posts and a server that hosts the GREF (the claims management system) database. 9 posts deployed in the regions.
Mauritius	Computerised Information System not updated to latest technology due to lack of funding, training and expertise.
Namibia	We use a central server and run client applications from it. We also use a case management system
Senegal	Use of an automated management system speeds up the capacity of complaint handling. Organising speaking tours in the regions of the country. Presence of representatives in all 13 regions of Senegal. Presence of representatives of the Médiateur of the Republic in the departments most often solicited (approached): economy and finance, public service, national education, etc and of social institutions (e.g. for pensions).
Sierra Leone	Presently our IT staff need technical training in website design and maintenance and we don't have any case management software that we can use to analyse complaints
Sudan	Our website is currently under construction
Tchad	Our offices will be better equipped once we move into our new offices which will serve as our headquarters.
Uganda	Some of the computers are very old and need replacement.

Zambia	We are currently working on our registry to be computerised
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SECTION 3: YOUR NEEDS

This section of the questionnaire is aimed at establishing the practical needs and requirements of the Ombudsman Offices in Africa in the areas of Information sharing, Coordination, Training, Advocacy and Research.

3.1 INFORMATION

This area deals with the need for the dissemination of knowledge, experience and data in a readily understandable format, and including the role and functions of ombudsmen.

Although there are significant differences in the environment in which the ombudsman offices operate and in the manner in which they do so, there are undoubtedly benefits to be had from the sharing of experience between African ombudsmen. This is likely to be of more value to them than an interaction with international ombudsmen who do not have to contend with the challenges that are particular to Africa and who operate in more mature democracies.

3.1.1 What of the following information would be useful to you?

	Very useful	Quite useful	Not sure	Not useful	Do not know
The origin and development of the ombudsman type organisation	10	10	3		
The role and functions of ombudsman type offices.	14	7	2		
Essential Characteristics: Independence, impartiality, fairness, integrity, effectiveness, informality	19	3	1		
The existence of ombudsman/ type offices in other countries and their details	12	8	3		
Site visits at ombudsman/ type offices in South Africa	14	6	1		1
<i>How an ombudsman type office operates:</i>	19	2			1
- filing system					
- complaint management system	20	2			
Comparisons with other complaints mechanisms, including commissions, courts, tribunals and regulators	17	6	1	1	

3.1.2 What other information would you find useful?

Benin	<ul style="list-style-type: none"> • Computerized management of claims, the findings/ pronouncements of the ombudsmen, the question of legislative and regulatory reform
Burkina Faso	<ul style="list-style-type: none"> • Sharing experience on powers and prerogatives of other Ombudsmen and mediators
Ethiopia	<ul style="list-style-type: none"> • The role of an Ombudsman Office in good governance and efficient public service delivery.
Kenya	<ul style="list-style-type: none"> • Specific focus on Governance and Public Management in African environments would be very useful. New, non-traditional approaches to Ombudsman's work have to be developed in African countries, most of which are weak Rule-of-Law environments.
Lesotho	<ul style="list-style-type: none"> • Different contextualization methods by Ombudsman institutions
Madagascar	<ul style="list-style-type: none"> • It is necessary that the research centre promotes itself and its services through the media at a local level that is to say in each member country.
Malawi	<ul style="list-style-type: none"> • More information on reporting and enforcement mechanisms • Improved dialogue with Parliament and citizens
Senegal	<ul style="list-style-type: none"> • Exchange of annual reports between ombudsmen • Exchanges of experiences between ombudsmen and their colleagues.
Uganda	<ul style="list-style-type: none"> • Negotiation and Mediation Skills
Zambia	<ul style="list-style-type: none"> • Case handling process of other Ombudsman offices

3.2 COORDINATION

This section explores the current status and possible needs for coordination of the activities of the various African Ombudsman offices, between themselves, and between them and the external role-players.

3.2.1 What contact and interaction is there currently between African Ombudsmen?

Benin	Exchanges of information, collaboration for the treatment of certain complaints, joint training
Burkina Faso	Associative relationship between the African West zone of mediators AMP-WAEMU
Cote D'Ivoire	AOMA, AOMF, AMP/UEMOA
Ethiopia	Interaction limited to bi-lateral study tours and experience sharing program e.g. To South Africa,

	Nigeria, Uganda; and through the meetings of the AOMA
Gabon	Exchange experience and training workshops are a great opportunity, meetings with AOMA; Exchanges of experience and outreach missions of the AOMA is occasionally through regional meetings
Gambia	The membership of the Africa Ombudsman and Mediators Association do meet at the biannual conference organized by the Association; and members of the International Ombudsman Association which include African countries do also meet in conferences organized by the said body.
Kenya	The African Ombudsman Association
Lesotho	Newsletter, correspondence, meetings
Madagascar	Contact by mail and through website which allows us to access vital information for the work of an Ombudsman
Malawi	Very little
Mali	Contracts between African Ombudsman Offices are mainly within the AOMA or in regional structures such as the UEMOA-AMP. The AOMF and the IOI are places where the African Ombudsmen can establish relations.
Mauritius	Our Office is a member of the African Ombudsman and Mediators Association and a newsletter has been created for the exchange of information
Namibia	Not a lot – AOMA meetings once a year
Republic of South Africa	Conferences and workshops through AOMA
Senegal	The AOMA has helped us to create bilateral relations Bilateral co-operations are new between ombudsmen offices
Sudan	<ul style="list-style-type: none"> • Regional AOMA conferences • Individual contacts between offices when needed in various activities
Tchad	IAOMA is structured into geographical regions to coordinate the work with all African countries that are developing mediation institutions. Thus, regional coordination is an ideal way to exchange contact information and experiences. Central African region coordination meeting was held in January 2011 in Bangui and our bureau participated
Togo	Contacts and currently existing interactions are those established in associations such as AOMA AOMF, AMP/UEMOA (Association of mediators of member countries of the West African Economic and Monetary Union)
Uganda	Meetings of the AOMA both at the continental and regional level

Zambia	Through AOMA workshops and conferences and personal contact between Ombudsmen, e.g. We have a MOU with the Malawian office and Lesotho officers visited our office to learn our system
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3.2.2 How frequently do you interact with other African Ombudsmen?

Benin	Yes, Burkina-Faso, Mali, Senegal
Burkina Faso	Ad hoc relations on knowledge-sharing basis
Cote D'Ivoire	AMP/UEMOA
Ethiopia	Not very frequent. Limited to the occasional, mentioned above
Gabon	Yes as indicated above
Gambia	Not frequently. As the Ombudsman of the Gambia I had the opportunity to interact with fellow African Ombudsmen thrice: the biannual AOMA Conferences in Libya and Angola and in Sweden at the IOI Conference
Kenya	Rarely. Annually at the African Ombudsman Association meetings, and through bilateral arrangements. Kenya's Technical assistance Memorandum of Agreement with the Office of the Public Protector of South Africa
Lesotho	Periodically
Madagascar	Yes, through the AOMF Secretariat
Malawi	Very little but we intend to improve on this.
Mali	Yes, particularly in the UEMOA area offices.
Mauritius	Quite often. More especially with the President, Executive Secretary and members of the Executive Committee of AOMA as we are also a member thereof
Namibia	2 to 3 times a year received visits from other offices
Republic of South Africa	Exchange visits by other ombudsmen sharing of knowledge, best practice and exchange of information sharing experiences
Sudan	Regional AOMA conferences every two years
Tchad	With the Secretariat of AOMF re questions of training; with the Treasurer for contributions and with the other members for special information
Togo	The CNDH participates in meetings that are organized by the abovementioned associations
Uganda	Not as frequently as one would expect
Zambia	Yearly basis

3.2.3 What have the consequences of these interactions been?

Benin	Formation of a true community of ombudsman
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	characterised by formal and informal exchanges between them and their staff
Burkina Faso	Assistance to the Médiateurs in the computer field through providing training workshops and conferences
Cote D'Ivoire	Beneficial
Ethiopia	Knowledge and experience sharing, better interaction and coordination
Gambia	They have been very useful Interactions. My knowledge on a number of issues and understanding in particular, of other ombudsman institutions and their modus operandi has been enhanced. These have been very useful, as we seek to adopt best practices along the way for the Ombudsman Office in The Gambia
Kenya	Extremely positive. Execution of a Memorandum of Understanding with the OPP, RSA and new membership as an Associate Member of the Association of African Ombudsman
Lesotho	<ul style="list-style-type: none"> • Acquisition of some skills • Innovative suggestions on case management and complaints intake
Madagascar	These interactions allow us to improve our vision of things and helps to promote ourselves internationally.
Malawi	Knowledge and experience sharing.
Mali	A better synergy in the area. The Organization for example of training for the benefit of employees. The common use of software GREF by Mali, Burkina Faso and Senegal, and other countries soon.
Mauritius	Increase of knowledge and dissemination of information
Namibia	Shared experiences
Republic of South Africa	Knowledge sharing
Senegal	<ul style="list-style-type: none"> • Co-operation in manner of treatment of complaints • Reciprocal visits of Médiateurs or their representatives • Technical support
Sudan	Exchange of experiences and aspirations technically and administratively
Tchad	Draw upon some effective practices
Togo	These interactions contribute towards harmonizing practices in mediation matters
Uganda	Due to the lack of frequency of the interactions, progress has been slow with some offices ending up better established in terms of functionality than others.
Zambia	They have only benefits as we learn from each other

3.2.4 Does the AU or other organisation play any role in this regard?

Benin	Not yet
Burkina Faso	None
Cote D'Ivoire	UEMOA
Ethiopia	The AU is based in Addis Ababa, Ethiopia. Though we have not had any formal relationship so far, we plan to begin a formal relationship with the AU soon.
Gabon	AU: No. OIF Yes through financial and/or material assistance to offices or coordination
Gambia	Not to our knowledge
Kenya	Not that I am aware of
Lesotho	Not much or not at all as far as we are aware
Madagascar	It is AOMF who plays the role of intermediary between us and African mediation organisations
Malawi	None to my knowledge
Mali	The AU is to recognize the AOMA. But AMP-WAEMU has been recognized by UEMOA since its inception in October 1998 in Ouagadougou. Community organization has also funded several activities of the Association.
Mauritius	Not sure
Namibia	No
Republic of South Africa	No
Senegal	No, however in the UEMOA region, this organization supports The AMP/UEMOA.
Sudan	No
Tchad	No
Togo	UEMOA has an important role in the life of the office; AMP/UEMOA offers financial support
Uganda	The AU has not been an active player in the interactions
Zambia	They advise

3.2.5 Any other information you would like to provide regarding coordination

Benin	None
Burkina Faso	We have sent staff that are in charge of complaints to a training workshop in Rabat, Morocco
Gabon	Coordination of Central African mediators to meet now once per year in the month of January in a rotating manner. The next meeting to be held in January 2012 in Libreville Gabon
Kenya	There is much value to be gained in closer technical cooperation between institutions. Staff gains a lot more from direct exposure to the work of another Ombudsman institution to complement structured

	academic/theoretical training. A 50-50 mix of the two is, in my opinion, the best way forward
Lesotho	Collaborative efforts between African Ombudsman Offices on joint training on a periodic basis. To pull efforts and resources to enhance attachment programmes.
Madagascar	It is necessary to create a secretariat that knows the organizations of the Ombudsman services in each country well, that is to say it must be a Bank of data available for everyone at that Secretariat.
Mali	Coordination is crucial in the offices of ombudsmen. It allows a better synergy, a better collaboration between offices, through exchanges of information, study trips, the common training of organizations, operation of same databases or websites.
Namibia	Would be useful especially with regard to shared problems (SADC)
Tchad	See above (about contacts)
Togo	The AOMF runs organized training sessions each year in Rabat, Morocco. Sessions that bring together participants from the majority of African countries offer a framework for coordination between the African Médiateurs
Zambia	Sharing of skills

3.3 TRAINING

This section seeks to identify needs in terms of training in ombudsman studies and related fields, and also basic skills; including the imparting of an understanding of international Ombudsman practices and techniques and the necessary skills to perform the ombudsman function.

3.3.1 What of the following Training would be useful to you?

	Very useful	Quite useful	Not sure	Not useful	Do not know
THE OMBUDSMAN ENVIRONMENT					
International instruments impacting on the work of the Ombudsman	14	9			
Understanding of international ombudsman practices and techniques	21	3			
Political environment and legislative framework	12	11	2		
Rectifying maladministration	25				
Promoting human rights	18	6		1	
Promoting good governance	23	2			

	Very useful	Quite useful	Not sure	Not useful	Do not know
Tackling corruption	12	12			
BASIC PRINCIPLES OF LAW					
Constitutional principles: Framework and Bill of Rights	15	6	2		
Evidence: General principles; admissibility & weight	13	8	1	1	
Civil Law: Overview of tort (Delict)	8	11	3		
Administrative Justice/ Law	21	3			
Ethics & procedural fairness	20	3	1		
SPECIFIC WORK RELATED SKILLS					
OMBUDSMAN PRACTICE SKILLS					
Complaints reception <ul style="list-style-type: none"> - Understanding the mandate - Understanding Maladministration - Listening Skills - Effective interviewing - Observation Skills - Overcoming barriers to access: gender, race, literacy - Techniques for dealing with difficult clients 	22	2			
Investigation: <ul style="list-style-type: none"> - Basic techniques - Planning and managing investigations - Learning from investigations 	24				
Legal research: <ul style="list-style-type: none"> - Book-based legal research - Computer-based legal research 	13	9	2		
Report Writing <ul style="list-style-type: none"> - General principles - Redress and remedies - Achieving compliance with recommendations 	21	1			
Annual reports <ul style="list-style-type: none"> - Effective reporting - Publishing annual statistics 	18	3	1		
Negotiation Skills <ul style="list-style-type: none"> - Basic principles of negotiation. - Theory of competitive and collaborative interactions 	18	4			
Mediation: <ul style="list-style-type: none"> - General principles and approaches 	20	2			
Conciliation & Informal arbitration: <ul style="list-style-type: none"> - General principles and approaches 	15	7			
OMBUDSMAN OFFICE ADMINISTRATION SKILLS					

	Very useful	Quite useful	Not sure	Not useful	Do not know
Operational Procedures	16	5	1		
Information management: - File management (computer & actual) - Data processing	15	7			
Finance systems: - Financial control & rules - Budgets & financial reports	11	8	3		
Meetings: - Basic rules of meetings	13	7	2		
Workshops: - Planning and running workshops	11	10	1		
GENERAL SKILLS					
Basic Computer Skills: Key functions; files & folders	12	5	4		
Basic Word-processing Skills: MS Word, spreadsheets, PowerPoint & Typing pal	12	5	4		
Reasoning Skills: Basic principles of logic	13	6	2		
Inter-personal Relationships: - Basic issues and principles, anger & conflict management	15	4	1		
GENERAL MANAGEMENT SKILLS					
Leadership skills: - General principles	15	7			
People management - Employment contracts & office systems - Discipline & career development	14	7	1		
Practical management skills: - leadership - organisation skills - time management	15	6	1		
Leading small teams	12	7	3		
Project management: Ten steps programme	16	2	3		
OPTIMISING OMBUDSMAN OFFICE COMMUNICATIONS					
Public relations: Relationship maintenance & networking	13	8	1		
Linkages: Establishing links with government departments & NGOs	14	8			

3.3.2 What other Training would you find useful?

Ethiopia	Public awareness, Communication Strategies & Skills, Impact Assessment
Ghana	Human Resource Management
Kenya	Work rotations in counterpart institutions for the express purpose of migrating best practices (inflow and outflow)
Madagascar	Investigation and detection. How to improve the awareness and acces to information and also how to improve the communication service
Republic of South Africa	Customer Service, alternative dispute resolution
Sudan	<ul style="list-style-type: none"> • Refresher programmes and courses • Training of Trainers (T O T)
Togo	Complaint handling

3.3.3 What form of Training would best suit you?

On-line e-Training via the internet	7
Travel to a learning centre in South Africa	16
Travel to a learning centre in your region	16
Receive training at own offices	11
Distance learning (correspondence)	5

Other – please provide details

Burkina Faso	Classification made by order of preference
Kenya	Practical, on the job attachment in analogous institutions for short periods of time
Senegal	Depending on the type of training offered, a combination of these forms of training will be chosen
Zambia	Even in house training would be ok especially arbitration and mediation

3.3.4 Do you have an annual budget for training?

Yes	15
No	5

Please provide details (how much, conditions/policy):

Benin	2 times a year (May and November) a Rabat (Morocco) in the framework of AOMF
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Cote D'Ivoire	3 000 000 FCFA
Ethiopia	There is a UNDP/donors assisted capacity building project in our institution. Funds are available every year for staff training, up to 50,000 USD
Gabon	3,475,000 FcFa
Gambia	\$25,000 for the past two years, which represent an increment from previous years
Kenya	Training approvals are by the ministry of Justice, National Cohesion and Constitutional Affairs' training committee, the budget this financial year is KSH
Lesotho	Limited donor funds for in house training
Mali	Amount variable according to the year's programmes. For example, financial resources needed for thorough accounting, the SYSCOA training (System of accounting West African - OHADA) and on the development of the financial statements.
Mauritius	Rs 25,000-00
Namibia	N\$30,000 per year any training that is outside formal courses for personal betterment
Republic of South Africa	Over R1 million
Sudan	12,000 SDP (about 4,000 Euros) Training only
Tchad	No specific budget but can be allocated from the general budget for specific interventions
Uganda	This budget is largely donor funded and is therefore dependant on availability of funds.
Zambia	Depends on how many people have applied for training

3.3.5 Have any members of your staff ever attended any training that was specific to the functions of your organisation in the past?

Yes	22
No	

Please provide details (where and when):

Burkina Faso	Belgium, France, Cote d'Ivoire, Benin, Togo, Sudan
Cote D'Ivoire	Since 2006 in Morocco
Ethiopia	Training on Systemic investigations (training provided by Ombudsman Ontario – Addis Ababa 2009) on freedom of information (PAI, London, 2010) on gender mainstreaming (Addis Ababa 2009) on counselling (Addis Ababa 2010)
Gabon	Rabat to the Morocco of AOMF (Centre for research and training in mediation) in 2009 and 2010; ENA Iaris (C.I.SA/I); -September 2007 on the protection of the rights of man;

	-November 2007 on the management and management in the public service
Gambia	PAI Course on “ When Citizens Complain” attended by the following in UK: the Ombudsman, Mr. Alhaji B. Sowe (2010), Deputy Ombudsman, Mr. Ebrima A. Mbye (2009), Director of Investigation, Mr. Pierre S. Secka; (2004) and a course on [” Sharpen Your Skills” attended by Principal Investigator, Landing Bondi in Austria, 2010
Ghana	<ul style="list-style-type: none"> • RPA – UK • Danish Institute for Human Rights – Denmark • University of Malaysia - Malaysia
Kenya	Study visits to the OPP, RSA, to the European Ombudsman, to the Swedish Ombudsman and to meetings of the International Ombudsman Association
Lesotho	<ul style="list-style-type: none"> • Good Governance early (University of Pretoria) • Conflict Management and Resolution (Namibia) 2009 • The role of the Ombudsman in improving Public Service Delivery – yearly
Madagascar	<ul style="list-style-type: none"> • At Madagascar ENAM (National School of Administration) • Internship in Paris in a short-term training institution (2 months)
Mali	Several employees of the médiateur’s office participate each year in training organized at Rabat in Morocco by the AOMF and the OIF, primarily on the treatment of claims. Two of them have even participated in November 2002 in training organized by the ENA in Paris and the Office of the French Ombudsman on institutional mediation.
Mauritius	“When Citizens Complain” – The role of the Ombudsman in improving public service Public Administration International, United Kingdom from 8 to 19 May 2006
Namibia	Training in UK for Ombudsman offices. 2 persons attended
Niger	November 2008 & 2009 in Rabat to the AOMF training centre
Republic of South Africa	Investigations techniques course Mandate of Office A.D.R
Senegal	Mediation training centre from the AOMF
Sudan	8 members attended Admin-Analysis course (internally) year 2000 & 2002
Tchad	Techniques of mediation
Togo	2008, 2009 and 2010 Morocco through the AOMF

	2009 Lome Togo and 2010 Porto Nevo in Benin in the under the auspices of UEMOA/AMP
Uganda	The training programmes have largely been focussed on anti-corruption work. The present crop of staff responsible for the ombudsman function have minimal exposure to ombudsman related training.
Zambia	E.g. When citizens complain: The role of the Ombudsman to improving the public service in London. Sharpening Your Teeth in Vienna, Austria

3.3.6 Would you prefer to receive training that counted as a credit towards a qualification such as a diploma?

Yes	21
No	4

3.3.7 If yes, would you prefer credits towards?

an undergraduate diploma	2
a postgraduate diploma	19

3.3.8 Please indicate the most suitable duration for attending training programmes:

1 day	1
2-3 days	3
4-5 days	2
2 Weeks	17
Other	4

Burkina Faso	The time limit may vary; It depends on the importance of the theme and the interest it raises
Cote D'Ivoire	Training
Gabon	Three months minimum
Gambia	Masters course for our staff with Bachelor's Degrees will greatly help improve their productivity, thus enhancing capacity within the Office
Lesotho	For a better grasp of issues and methods involved, a 4 week training would be ideal – even if it is a staggered duration
Madagascar	4 weeks
Sudan	2 week programme are most suitable for knowledge and training
Tchad	Techniques on mediation & training

Uganda	4 weeks would be most appropriate in order to cover as many modules as possible.
Zambia	But it depends on how heavy the programme may be

3.3.8 Typically how many of the above courses would a single person attend per annum?

Per person per annum	2 average
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Ghana	1 course per year
Madagascar	2 courses per year
Mali	2 courses per year
Uganda	1 course per year
Sierra Leone	All if possible

3.3.9 How many members of staff might require training?

COUNTRY	NUMBER OF PERSONS	TYPES OF TRAINING SPECIFIED
Benin	15	Supervisor, short-term (1 to 2 weeks)
Botswana	6	
Burkina Faso	30	Governance administration
	25	Practices of the Ombudsman
	25	Ethics and fairness
	25	Justice administration
	25	Administrative law
	25	Legal Research
	1	Computer complaints
	1	Relative data statistics
	2	Receiving records
	6	Administration & Finances
Cote D'Ivoire	3	Communications & Public Relations
	6	
Ethiopia	20	Investigation Skills
	6	Research and supervision skills
	5	Information Management
	6	Communication and PR skills
	6	Project Management Cycle
	2	Human Resource Management
Gabon		Misunderstood this question, gave us staff qualifications
Gambia	1	Investigation, Report writing ,Annual

COUNTRY	NUMBER OF PERSONS	TYPES OF TRAINING SPECIFIED
		reports Management , Negotiation, Mediation, Arbitration and Evidence courses
	1	Communication and Public relation course
	1	Investigation, Human rights. Report writing, Negotiation, Mediation, Arbitration, Management and Evidence courses
	2	Investigation and report writing related courses
	1	Complaints reception courses
Ghana	25	Lawyers; the ombudsman environment
	30	Investigators; basic principles of law
	5	Research Officers; Ombudsman Practise Skills
	5	Anti corruption Officers; Ombudsman Practise Skills
Kenya	10	Every suggestion in 3.3.1
Lesotho	1	General management
	2	Basic Principles of Law
	2	Management & Practical Skills
	2	Ombudsman Office, admin skills
	2	General Skills
	1	Ombudsman Practice Skills
Madagascar	2	Investigator, investigations
	2	Legal advisor; penal law, civil law
	2	Communication officer; communication
Mali	15	Investigation and investigation techniques
	9	Writing techniques, the exploitation of databases
	1	HRM
	3	Management and accounting software
	1	Documentaries, archival resource management
	2	Masters Edition software, creation and animation of websites, writing articles and news releases, annual report
Mauritius	1	Investigation technique
Namibia	14	Investigation & Receiving complaints
		Mediation
		Administration Law
	2	Management Training
		Project Planning
Republic of South Africa	10	Investigations
		Forensic & auditing skill

COUNTRY	NUMBER OF PERSONS	TYPES OF TRAINING SPECIFIED
Senegal	15	Practical skills
Sierra Leone	5	As in 3.3.1
	1	
	1	
	1	
Sudan	10	Investigation/legal research negotiation skill
	10	Mediation/conciliation and informal arbitration/complaint reception
	5	Report writing/Annual reports
	9	Public relations/linkages
	6	Information management/meetings/workshops
	10	Reasoning skills - inter-personal relationships, people management skills, leading small teams leadership skills, project management
	3	The Ombudsman environment - basic principles of law
Tanzania	137	Investigation & skills
	137	Basic Legal skills
	137	Communication skills
	137	Report Writing skills
	137	Mediation
	137	Managerial skills
Tchad	2	& Claims management (cannot read first word in returned Questionnaire)
Togo	9	Practical skills
Zambia	1	Administration
	1	Legal/Investigations
	6	Investigations x related A & L
	4	Record keeping & related A&L
	2	Accounting
	3	Human Resource

3.4 ADVOCACY

This section seeks to establish the extent to which good governance is currently advocated in state and private institutions through supporting the adoption of the institution of the Ombudsman and lobbying for the strengthening of the powers of the various ombudsman offices.

3.4.1 Are you involved in advocating good governance in state and private institutions?

	Yes	No
State	21	
Private	2	3

Please provide details:

Ethiopia	Through Public awareness and education, communication, we work on good governance especially at Federal and regional levels
Gambia	Office of the Ombudsman advocate accountability of public officers; fair, just and equal treatment of all members of the public at all public work places, and adherence to proper administrative procedures in all matters of decision affecting public officers
Kenya	Institution is still young. Emphasis has been on the Public Sector/The State. The Private sector is a secondary target for us at the moment
Lesotho	Not directly and specifically save for discharge of our mandate incorporation investigations on injustices and maladministration
Madagascar	Anti corruption Management and leadership
Mali	The Ombudsman is a member of the Organization of the EID, the Commission for Democratic Inquiry held each year in Mali on 10 December, which enables ordinary citizens to publicly question the Ministers. He is a member of IFA, the Committee of Institutional Development, the APRM, the African Peer Evaluation mechanism and the National Commission on Human Rights.
Sudan	Section 7 of the Public Grievances and Corrections Board Act, 1998 specifies at length the functions of the Board.
Tchad	By oversight of the Administration so that it complies with the law
Togo	This participation occurs through the lodging of complaints involving the administration
Zambia	We are only mandated to investigate public institutions

3.4.2 What support is there for countries wishing to establish Ombudsmen Offices?

Please provide details.

Benin	Please clarify. Exchange of experience and documents, reception and sending of mission.
Burkina Faso	Political support is fundamental; It is a feature of the nature of democracy

Cote D'Ivoire	Training support
Ethiopia	Constitutional mandate
Gabon	Awareness is a priority of this institution
Kenya	Not sure what this question is asking. Support by? Support From?
Lesotho	<ul style="list-style-type: none"> • Can provide attachment places • Communicating experiences about the mandate and cases met and determined by others • Can send operational staff to help
Madagascar	Financial support
Mauritius	We are open to any request for information and/or discussion
Namibia	Only if assistance requested from IOI or AOMA – then they might assist but nothing formal
Niger	RCI to clarify
Senegal	Whenever necessary, the Senegalese Ombudsman provides his expertise and that of his executive staff to support an African ombudsman
Sudan	Our knowledge and experience
Tchad	To our knowledge, the states take the initiative to create the institution of mediation and provide it with the means to operate
Uganda	None that I am aware of
Zambia	Has not come to my knowledge

3.4.3 **Are you aware of any initiatives that are supporting the adoption of the institution of the Ombudsman and lobbying for the strengthening of the powers of the various ombudsman offices?**

Yes	9
No	10

Please provide details:

Cote D'Ivoire	AOMF
Kenya	Internally, there is a wide acceptance of the need for the office of ombudsman in Kenya. It is provided for in the new constitution of Kenya. There is also a general right to administrative Justice in article 47 of the constitution, externally; the African Ombudsman Association does this, as does the International Ombudsman Association.

Lesotho	<ul style="list-style-type: none"> • Different NGO's and public meetings have sought the strengthening of the powers of Ombudsman offices • AOMA meetings and training programmes • Public on talk shows
Mali	The invitation to all the Congress of AOMA and AOMF observer countries which do not yet have mediators or mediators created by an act. These countries are strongly encouraged to create a mediator, or if there is one, to give it the means to exercise its work independently.
Mauritius	The AOMA encourages countries that do not have an Ombudsman institution to establish such an institution.
Senegal	The AOMF and AMP/UEMOA support the process in Niger The United Nations system supports the process in Guinea
Sudan	<ul style="list-style-type: none"> • Supported by President of Republic and Parliament • Support by news media • Support by citizens • Support by some Government units • Support by UN Mission in Khartoum

3.4.4 Which bodies, if any, currently update you on recent developments in the ombudsman field?

Benin	none
Botswana	International Ombudsman Institute, African Ombudsman Association
Burkina Faso	Newsletters, consultation of the different sites in the field
Cote D'Ivoire	IIO, AOMF
Ethiopia	Not many, the IOI shares with us its period newsletters
Gabon	AOMF, I.I.O, O.I.F.
Gambia	PAI & IOI
Kenya	Only the African Ombudsman Association through its newsletter,

	which is emailed regularly by the OPP, RSA
Lesotho	IOI, AOMA
Madagascar	International Ombudsman Association African Ombudsman Association (AOMA Association des ombudsmans et médiateurs de la Francophonie)
Mali	The AOMA itself, the AOMF, the IOI.
Mauritius	International Ombudsman Institute, AOMF, AOMA
Namibia	IOI newsletters
Niger	IOI
Republic of South Africa	AOMA
Senegal	AOMF, AMP/UEMOA, AOMA
Sudan	<ul style="list-style-type: none"> • IOI Publishes Annually its year book • IOI sends periodically newsletters
Tanzania	<ul style="list-style-type: none"> • African Ombudsman & Mediators Association • International Ombudsman Institute IOI
Tchad	The French Médiateur periodically publishes a journal.
Togo	AOMA, AOMF, AMP/UEMOA
Uganda	The International Ombudsman Association
Zambia	<ul style="list-style-type: none"> • International Ombudsman Institute • African Ombudsman and Mediators Association as we are members

3.5 RESEARCH

This section seeks to discover what empirical and academic research is needed on all aspects of the ombudsman's functions, including the preparation of information and useful documents that add value to the work of the Ombudsman.

Would any of the following areas of proposed research be of value to you?

3.5.1 Trends or general practices evident in the way African Ombudsmen operate:

Yes	22
No	2

Please provide details:

Lesotho	<ul style="list-style-type: none"> • Different Mandates hope to learn from different experiences and learning curves • Should help to identify areas for improvement
Republic of South Africa	<ul style="list-style-type: none"> • Interpretation of Jurisdiction/ mandate • Investigation methodologies • Alternative dispute resolution • Acceptance of findings • Parliamentary support
Sierra Leone	<ul style="list-style-type: none"> • Provide us with common practices
Tchad	This information may be obtained from coordination meetings
Zambia	So that we move at the same pace and do not lag behind

3.5.2 Details of who currently advocates for good governance in Africa, particularly in relation to the institutions of governance in Africa

Yes	20
No	2

Please provide details:

Botswana	Professor Mandeni, UB BIDPA. World Bank, Africa Dev Bank Commonwealth
Lesotho	Such research would also help for mobilization purposes and identifying institutions for good governance
Madagascar	Institutions dealing with participatory democracy
Republic of South Africa	The Public Protector has initiated an annual good governance event as well as the establishment of a forum where the different institutions supporting democracy explore ways of joining forces to promote good governance. It will be an advantage if that forum could also explore co-operation outside South Africa to share skill, knowledge and best practices
Sierra Leone	To acquire skills to be used in promoting good governance
Tchad	Need for information on various aspects of good governance (political, administrative, economic etc)
Zambia	Like in Zambia, our institution is one of those advocating for good Governance

3.5.3 Any other research – Please provide details.

Benin	Stated above
Burkina Faso	Skills in negotiation, ethics and fairness in the process of mediation
Ethiopia	The role of the Ombudsman as an extension of the parliament, particularly in terms of oversight. The experiences of other countries in conducting oversight activities on the executive. Specific role of an Ombudsman in highlighting and mainstreaming the issue of women, children and the disabled
Lesotho	<ul style="list-style-type: none"> • Research on relationship between African Ombudsmen Institution and AU • Impact and effectiveness of African Ombudsmen (Mediators) on the public generally
Namibia	<ul style="list-style-type: none"> • Effectiveness of Ombudsman Offices
Republic of South Africa	<ul style="list-style-type: none"> • Establishment of a database of any court cases that serves as direction- giving jurisprudence on the role and mandate of ombudsman institutions • Providing effective remedial action • Report writing techniques
Senegal	Directory of mediators/ombudsmen in Africa The collection of the founding legislation of African ombudsmen
Tchad	The limits of the independence of the Ombudsman
Togo	Challenges and the future of mediation in Africa
Uganda	Rate of implementation of Ombudsman recommendations and levels of budgetary support to Ombudsman Offices.

3.6 FINAL COMMENTS AND OTHER ISSUES YOU FEEL WOULD BE RELEVANT

Burkina Faso	Establishment of links with government departments and State institutions
Ethiopia	Issues to be highlighted: <ul style="list-style-type: none"> • The role of an Ombudsman in fostering good governance • The role of an Ombudsman in addressing the needs of women, children and the

	<p>disabled particularly from the point of view of preventing and rectifying maladministration</p> <ul style="list-style-type: none"> • Conducting systemic and on-motion investigation • Effective public awareness, public communication and outreach
Kenya	A resource centre that coordinates and provides ombudsman-specific training is an excellent idea. We support it wholeheartedly, and can be counted upon to support and use it.
Lesotho	IOI and AOMA role on capacity building coupled with team building will go a long way in ensuring public comprehension of the concept and role of ombudsman institution
Senegal	Collection of works (bibliography) on the Ombudsman in Africa
Sierra Leone	Though this office has been in operation for about 10 years, now it was only in 2009 that investigators and other support staff were recruited so we are really in need of training
Sudan	Since we took office in 1998, we participated in all Ombudsman conferences starting in 1999 with Namibia and ending in Angola in 2010 (6 conferences). In each conference we presented a working paper. In addition some papers we introduced in Addis Ababa
Tchad	<p>Because of its origin (created to serve as intermediary to interact with the rebels), The Tchad Médiateur can be given assignments specific to peace and reconciliation.</p> <p>If the essence of the independence of the Médiateur is that he receives no instruction, then how are he and his colleagues supposed to function?</p>
Togo	Comparative analysis of methods of work of the ombudsman and the administrative action of regulatory institutions

Appendix C

Research Questions : Functional and Organisational needs of African Ombudsmen

1. Introduction

- i. Definition of an Ombudsman (and médiateur), and examination of the different kinds of Ombudsman-like offices in Africa (also investigate the method of nomination and election of Ombudsmen)
- ii. Brief examination of the background and development of the Office of the Ombudsman in Africa, including the current presence and spread of Ombudsmen on the continent

2. Information and Training

- i. Explanation of the role African Ombudsmen are expected to play in their countries, as well as the achievements expected of Ombudsmen
- ii. Examination of the activities and modes of operation of African Ombudsmen (mechanisms and mandates)?
- iii. Analysis and scoping of training courses and programmes of other service providers for Ombudsmen and médiateurs inside and outside of the continent
- iv. Study of which bodies currently update African Ombudsmen on developments, and examination of those recent developments
- v. Examination of the challenges facing African Ombudsmen, and of the criticisms that they receive

3. Coordination and Advocacy

- i. Why is coordination between African Ombudsmen required?
- ii. What contact and interaction is there currently between African Ombudsmen? Does the African Union play any role in this regard?
- iii. What coordination and interaction is there currently between institutions of governance in Africa (i.e. AU, NEPAD, PAP, ACHPR and APRM)? Is there a good governance framework provided for within these institutions?
- iv. What interaction is there between African Ombudsmen and regional or international bodies, and for what purpose? How frequently do they interact, and what have the consequences of this interaction been?
- v. How are the Ombudsmen perceived in Africa, how well are they known and how often are they utilized?
- vi. Who currently advocates for good governance in Africa, particularly in relation to the institutions of governance in Africa?
- vii. What support is there for countries wishing to establish Ombudsmen Offices?
- viii. Are African Ombudsmen sufficiently empowered and resourced?

Appendix D

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Appendix E

Ombudsman 101

This course covers the fundamentals of the organizational Ombudsman role. It provides basic information and training for the organizational Ombudsman by emphasizing the principles of confidentiality, neutrality, independence, and informality.

The 2-1/2 day course focuses on how the Ombudsman works with the visitor to the office as well as how they act as a change agent within their organization...

WHO SHOULD ATTEND?

The course will benefit the recently-appointed Ombudsman, individuals interested in becoming an Ombudsman, or anyone desiring to establish an Ombudsman function in industry, government, higher education, and public or private social services agencies.

AS A RESULT OF THIS PROGRAM YOU WILL LEARN:

- How the role, scope, and duties of today's Ombudsman began and evolved
- The three basic principles of the organizational Ombudsman role: neutrality, independence, and confidentiality
- Why confidentiality is essential to the practice, how to maintain confidentiality
- How to listen as a neutral, including effective techniques for interviewing and inquiring, reflective listening, reframing, identifying issues, and providing options
- How to manage and work with conflict by employing a battery of skills including listening, coaching, and negotiation techniques
- How to decide which intervention would be most effective and how to provide upward feedback to management
- How to set up and operate an Ombudsman office, including the fundamentals of how to log concerns, report to management, and design reports to track issues
- How to align the Ombudsman function with the mission, values, and culture of the organization
- How to promote the Ombudsman role and function, including ways to gain and keep management support

Ombudsman 101 PLUS

This course will concentrate on how to communicate the value and benefits of an Ombudsman function internally to management who are considering starting an Ombudsman Office, and from the outside if you are an entrepreneur.

WHO SHOULD ATTEND?

Managers, executives, organization thought leaders who are thinking about creating the Ombudsman function
Independent Ombudsman who want to establish Ombudsman contract services
Aspiring Ombudsmen

PREREQUISITES

Completion of Ombudsman 101

WHAT WILL BE COVERED IN 101 PLUS?

- How to identify the benefits and value of an Ombudsman function
- How to identify the benefits and value of an Ombudsman function
- How to present the benefits and value of an Ombudsman function to an organization
- How to design the Ombudsman function to fit your organization
- How to market the internal independent Ombudsman
- How to identify a good Ombudsman
- How to identify an organization "ripe" for the creation of the Ombudsman function

Executive Development Programme

OMBUDSMAN, HUMAN RIGHTS AND ANTI-CORRUPTION AGENCIES

Governance & Management Services International, London, United Kingdom 2010 - 2011

GMSI offers a **suite of programmes** to develop staff and key functionaries of oversight and regulatory organisations. Each provides essential practical insight into how ombudsman, human rights and anti-corruption agencies can organise and deliver their mandates, satisfy clientele, and ensure a sustainable impact on the surrounding governance system.

1. Changing Ombudsman Function - Implementing Roles, Operational Management and Complaints Handling

This is a comprehensive programme on the concept, organisation and working of ombudsman, human rights and other complaints handling institutions. It discusses the changing nature of the ombudsman's function, implementation of multiple mandates, and implications of these for participants, their offices and governments. It emphasises the peculiar perspective of developing democracies and small states, especially in regards to the office's internal governance, managing performance, and relationship with the external environment.

Dates: 9-20 August 2010; 17-28 January 2011

2. Facts and Decisions - Enhancing Ombudsman Investigations

The programme provides advanced investigative skills and tools for key functionaries. It covers the different aspects of case management, measures for dealing with clients, handling departments and securing compliance. It aims to enhance the capability of participants to conduct effective investigations especially in the peculiar governance environment of developing democracies and small states.

Dates: 13-17 September 2010; 7-11 March 2011

3. Implementing the Human Rights Function in a Changing World

The programme aims to build the capability of participants to better manage and deliver the mandate of their respective human rights organisations effectively. It offers practical appreciation of how local and national human rights organisations can be strategically organised, resourced and implemented to advance good governance in the changing international setting of today.

Dates: 1-5 November 2010; 14-18 March 2011

4. Managing Complaints Handling in Departments and Agencies

Organisations determined to provide caring and quality service must establish a credible complaints handling process. The programme is to develop relevant professionals on how to design, organise and manage effective processes that complement independent oversight organisations. It offers practical insights on the use of such complaints handling instruments as part of the internal governance of the organisations concerned.

Dates: 6-10 December 2010; 9-13 May 2011

5. Credible Guardians - Ethics, Integrity and Trust in Governmental Oversight

Effective oversight is built on public trust. This programme is designed to develop ethically compliant oversight functionaries who also have a good practical appreciation of the integrity and trust issues impacting on the institution. Topics covered include building public trust, connecting with stakeholders, and resolving ethical dilemmas.

Dates: 8-12 November 2010; 4-8 April 2011

6. Ombudsman Conflicts – Dealing with Difficult People and Situations

Effective complaints handling includes good management of complainants, clients and officials of departments. This programme offers an understanding of these issues and how governance and societal context impact on them. It will help the participants to develop appropriate tools and skills for tackling the range of issues they are likely to face in the conduct of their complaints handling role.

Dates: 11-15 October 2010; 14-18 February 2011

7. Bulldogs with Teeth - Sharpening Anti-Corruption and Integrity Agencies for Better Governance

A comprehensive programme on the role, operations and impact of anti-corruption and integrity agencies. It will discuss measures for detecting, investigating and prosecuting corruption and white collar crimes; effective management of assets and declaration; and strategies for advancing good governance in developing democracies. It will also address the peculiar leadership and performance management issues of the institution.

Dates: 18-29 October 2010; 4-15 April 2011

8. Policing Governance - Leading and Managing Oversight and Regulatory Institutions

Checks and balances are an integral part of any system promoting good governance. Built on a thorough understanding of the role and significance of the institutions, the programme aims to develop the competence of participants in the application of leading management ideas and approaches, and to equip them to better manage people, teams, performance and service delivery better. Heads and senior managers of governmental oversight and regulatory agencies will greatly benefit.

Dates: 17-21 January 2011; 14-18 June 2011

9. Tackling White Collar Crime - Detection, Investigation, Prevention

The programme addresses white-collar crimes, some of the more common being fraud, bribery, insider trading, embezzlement, computer crime, medical crime, public corruption, identity theft and forgery. Drawing on international best practices, it will explore critical skills needed as well as contemporary tools used in the effort to curb this crime.

Dates: 25-29 October 2010; 11-15 April 2011

Delivered on Request

In addition to our London-based programmes, all GMSI activities can be delivered in-country or at any other preferred location.

Proposed training programme – Institute for Professional Legal Training, University of KwaZulu-Natal

- 1 **Introduction:** Course objectives; materials; origin & types of Ombudsman.
- 2 **The Ombudsman: evolution, role and functions**
- 3 **The spread of the Ombudsman concept internationally:** Proliferation & diversification of the Ombudsman's office
- 4 **Where the Ombudsman fits in:** the Ombudsman: comparisons with other complaints mechanisms, including commissions, courts, tribunals and regulators.
- 5 **Legislative framework:** statutory enactments that create or regulate ombudsmen.
- 6 **Essential Characteristics:** Independence, impartiality, fairness, integrity, effectiveness, informality
- 7 **The broader role:** monitoring & reporting trends/patterns, early warnings; making recommendations for change.
- 8 **Maladministration; outcomes and remedies/redress**
- 9 **Basic Computer Skills:** Key functions; files & folders; PowerPoint.
- 10 **Basic Word-processing Skills:** MS Word, spreadsheets & Typing pal.
- 11 **Reasoning Skills:** Basic principles of Logic.
- 12 **Receiving Complainants:** Listening Skills
 - i. : Effective interviewing
 - ii. : Observation Skills
 - iii. : Overcoming barriers to access: gender, race, literacy
 - iv. : Techniques for dealing with difficult clients
- 13 **Report Writing** : General principles
 - a. : Putting it right: redress and remedies
 - b. : Achieving compliance with recommendations
- 14 **Annual reports** : Effective reporting
 - a. : Publishing annual statistics

- 15 **Inter-personal Relationships:** Basic issues and principles, anger & conflict management.
- 16 **Negotiation Skills 1:** Basic principles of negotiation. Theory of competitive and collaborative interactions
- 17 **Constitutional principles:** Framework and Bill of Rights.
- 18 **Evidence:** General principles; admissibility & weight.
- 19 **Civil Law:** Overview of Tort (Delict), Contract & law of Persons.
- 20 **Civil Procedure:** Outline of civil court procedures.
- 21 **Information management** : File management (computer & actual)
 i. : Data processing.
 ii. : Communicating information.
- 22 **People management** : Employment contracts & office systems.
 i. : Discipline & career development.
- 23 **Meetings:** Basic rules of meetings.
- 24 **Workshops:** Planning and running workshops.
- 25 **Public relations:** Relationship maintenance & networking.
- 26 **Legal research** : Book-based legal research.
 i. : Computer-based legal research.
- 27 **Linkages:** Establishing links with government departments & NGOs.
- 28 **Project management:** Ten steps programme.
- 29 **Leadership skills** : General principles
 a. : Leading small teams.
- 30 **Finance systems** : Financial control & rules.
 a. : Budgets & financial reports.
- 31 **Operational Procedures**
- 32 **Investigation** : Basic techniques
 a. : Organising and managing investigations
 b. : Learning from investigations
- 33 **Mediation:** General principles and approaches.
- 34 **Conciliation & Informal arbitration:** General principles
- 35 **Ethics & Procedural fairness.**

Programme: When Citizens Complain– Public Administration International Ltd

Week 1	AM	PM
DAY 1	Welcome and introductions – The Ombudsman institution – The UK Ombudsman scene	Participants' informal presentations
DAY 2	The UK Ombudsman at work: case study – Organising and managing investigations	<i>Visit to the Parliamentary and Health Service Ombudsman</i> – Achieving compliance with recommendations – Investigation techniques
DAY 3	The Ombudsman in a changing public service – Introduction to action planning	Dealing with Ombudsman and human rights complaints – <i>Visit to a human rights organisation</i>
DAY 4	The role of the Local Government Ombudsman in improving public services: the use of publications and the media – The work of the Housing Ombudsman Service: negotiation, mediation, arbitration techniques	<i>Visit to the Centre for Effective Dispute Resolution (CEDR)</i> – Effective dispute resolution techniques – Dispute resolution in practice
DAY 5	Internal complaint handling systems – Techniques for dealing with difficult clients – Case study: international Comparisons	Practical management skills: leadership, organisation skills and time management
Week 2	AM	PM
DAY 1	Managing an Ombudsman office – Optimising Ombudsman office communications – Putting it right: redress and remedies	Promoting good governance – Tackling corruption
DAY 2	<i>Visit to the Independent Police Complaints Commission (IPCC)</i> – Learning from investigations – Publishing annual statistics	– Making use of communication connections/working with related organisations – Syndicate work on cases
DAY 3	Annual reports and effective reporting – Participants' individual cases	<i>Visit to the Public Administration Select Committee (PASC), House of Commons</i>

		– The work of the PASC and its relationship with the Parliamentary and Health Service Ombudsman
DAY 4	<i>Visit to a private sector Ombudsman office</i> – Overcoming barriers to access: gender, race, literacy – The role of the Independent Assessor	The future of the Ombudsman institution: syndicate work
DAY 5	– The Ombudsman institution: practical management issues – Open forum	– Review of action planning – Review, feedback and scope for follow-up – Presentation of certificates of attendance

Countries represented at Needs Assessment Workshop

- Angola
- Benin
- Burkina Faso
- Central African Republic
- Djibouti
- Ethiopia
- Gambia
- Gabon
- Ghana
- Kenya
- Lesotho
- Madagascar
- Malawi
- Mali
- Mauritius
- Namibia
- Niger –Nigeria
- Republic of South Africa
- Seychelles
- Sierra Leone
- Tanzania
- Tchad
- Uganda
- Zambia

Training priorities identified by the interactive workshop

1. IT-based and manual based case management system.
2. Language communication training: Especially French in Anglophone countries, and English in Francophone countries
3. Investigation techniques- general skills.
4. ADR techniques- especially negotiation, conciliation and mediation;
5. Conflict resolution and management.
6. General complaints management in ombuds offices (methodology).
7. General IT training, including on-line learning and communication;
8. Writing skills: Letters; memos; reports; awards; opinions.
9. Communications and Public Relations liaison methods, including writing press releases, and television and radio appearances.
10. Mentoring skills, and train-the-trainer programmes.
11. Research skills- especially web-based.
12. Administrative law, applied constitutional law and selected crucial legal topics.
13. Leadership and management skills.
14. Legal basis and functions of ombudsman offices.