



منظمة الموفقين والرفايين الأفرقة  
African Ombudsman and Mediators Association  
Association des Ombudsman et Mediateurs Africains  
Associação dos Ombudsman e Mediadores



# AFRICAN OMBUDSMAN

Today

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## Time for the Ombudsman to rise

The 30th African Union summit took place at the end of January under the theme 'Towards a Peaceful, Prosperous and Integrated Africa.'

I cannot overemphasise how appropriate this theme is for the continent, taking into account the whole Agenda 2063 vision.

However, as a head of an Ombudsman institution in Africa and Board Chairperson of a centre that is the heartbeat of the African Ombudsman and Mediators Association (AOMA), I could not help but wonder what role the African Ombudsman can and should play in bringing about peace, prosperity and integration to the Continent.

You will recall, dear reader, that AOMA has an observer status within the AU, following the historic signing of a bilateral cooperation agreement a few years back.

In terms of that accord, the two continental bodies committed to work jointly to promote strategic priorities of the AU Commission in the area of democracy and good governance. This includes the promotion and protection of human rights, transparency and administrative justice, observations of elections in Africa and peace and security.

It is becoming clearer by the day that, as Ombudsman institutions in Africa, we have our work cut out for us. We were reminded of the huge responsibility that lies on our collective shoulders during the recent Executive Committee meeting of AOMA, which my office hosted in the South African capital of Pretoria.

At a gala dinner that week, one-time Zimbabwean Deputy Prime Minister and now President of the African News Agency, Prof. Arthur Mutambara, who was our main speaker for the evening, reminded me and 10 of my colleagues representing Ethiopia, Kenya, Cote d'Ivoire, Chad, Madagascar, Angola, Namibia, Botswana, Malawi, and Burkina Faso, that a lot was expected from the African Ombudsman community in terms of its role in helping the Continent to live up to its Agenda 2063 vision.



This ambitious 50-year vision of the African Union (AU), as you are aware, seeks to realise, among other things, good governance, democracy, respect for human rights, justice and the rule of law; peace and security; prosperity; inclusive growth and sustainable development by the year 2063.

Prof. Mutambara called on the different African countries represented at the dinner to work together as a collective in order to play a meaningful role in seeing to it that all seven aspirations of Agenda 2063 are realised. "It is important to understand that collective success is more important than individual

success ... If we work together, we can ensure that we achieve the goals set out in Agenda 2063," he said, adding that it was important for organisations such as AOMA to work with the AU towards achieving continental development objectives.

Also speaking at the event was a representative of South Africa's Department of International Relations and Cooperation, His Excellency Ambassador Mxolisi Nkosi, who is the Deputy Director-General for Global Governance and Continental Agenda.

You already know that Ambassador Nkosi's department, through its African Renaissance Fund office, is the source of the financial muscle, without which it would be an uphill battle to run a successful African Ombudsman Research Centre. Ambassador Nkosi underlined the important role that AOMA has to play to ensure responsible governance on the Continent, calling on African Ombudsman institutions to discuss and air their views on corruption and how the malady was, in his view, holding the Continent back.

As we step into 2018, let us open our minds to these thoughts and put our shoulders to the wheel in pursuit of an impactful contribution towards the realisation of an Africa where peace, prosperity and integration are not just a distant dream, but a reality.

**Adv. Busisiwe Mkhebane**  
**Public Protector South Africa, Chairperson AORC**

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## Tribute to Judge Cowan

### Saying Goodbye to Judge Cowan as AORC Board Member and as the Ombudsman of Sierra Leone

Justice Edmond Kadoni Cowan (born 1937 into a humble family) worked as a lawyer in public and private practice and in various capacities for the government of Sierra Leone for some 35 years, serving under four presidents (in some instances as Acting-President during the absence of the President and Vice-President). He worked for 15 years as a judge, ultimately as Justice of the Appeal Court. Subsequently, he was the Speaker of Parliament and later served as the Ombudsman for Sierra Leone from 2008 to 2017. He was also appointed in 2013 as Chairman of the 80-man Constitutional Review Committee.

Judge Cowan served on the AORC Board from inception in 2011 to February 2017 as he was soon to resign from the office of Ombudsman. He stated that he enjoyed his association with the Board, would always remain a member of AOMA and wished that it would grow from strength to strength. Dr P. Tjipilica (Angola) and Mme. A. Traore (Burkina Faso), both of whom have since resigned office and had also served on the AORC Board since 2011, praised the many contributions of Judge Cowan. The Chairperson of Board, Adv. Mkhwebane,



Judge Edmond Cowan.

stated that she has learned a lot from Judge Cowan and that the Board can learn from him being very straight and to the point. He helped the Board to focus this meeting. She thanked him for his wisdom in decision-making.

The AORC Board was stunned at its meeting in Ethiopia of 25 January 2018 to learn that Judge Cowan had passed away just the day before. Known for his sense of humour, pragmatism and fervent commitment to justice, Judge Cowan was widely respected in Sierra Leone and beyond. He was eulogised as: "A simpler man you could never meet but his quiet composure hides a very remarkable personality and a man of many talents and experience."

### Tribute to Judge Cowan from AOMA Members and AORC

It was with a great sense of loss and shock that the AOMA fraternity learned of the untimely death of Hon. Justice Edmond Cowan. AOMA joins the people of Sierra Leone in mourning Judge Cowan who was a courageous, public-spirited lawyer who served his country and the Ombudsman fraternity with zeal and dedication. The late Judge Cowan also served as a Board member of the African Ombudsman Research Centre (AORC) until his retirement last year. He will always be remembered for his wise counsel, sense of humour and charisma that helped steer AOMA and AORC forward during difficult times. On behalf of AOMA, and on my own behalf, I express our sincerest condolences to the family and to the people of Sierra Leone at large. We stand with the family during this trying moment and join in prayers for their well-being, strength, courage and comfort. May his soul know peace in the world yonder. **Leonard Ngaluma, MBS AG. Exe Ve Director, AOMA & Commission Secretary, Commission on Administrative Justice – Kenya.**

*C'est avec tristesse que nous avons appris le décès du juge COWAN précédemment Mediateur de la Sierra Leone, que la mort a brutalement arrache à notre affection. En ces moments douloureux, nous pensons à sa famille et nous lui adressons nos sincères condoléances. Plus encore, l'Association des Ombudsmans et Médiateurs d'Afrique (AOMA) également aura perdu un ombudsman de qualité, une de ses personnes ressources, qui a tant contribué au rayonnement de l'AOMA, avec ses avis, ses conseils et ses prises de positions très pertinentes notamment, dans le cadre du bon fonctionnement du Centre de Recherche de l'Ombudsman Africain (CROA). Puisse le juge COWAN reposer en paix et que toutes ses actions soient bénéfiques aux Ombudsmans et médiateurs Africains.*  
**Mme SARA SEREME – Le Mediateur du Faso.**

Please pass our condolences from the Office of the Ombudsman Botswana. May his soul rest in peace. **Office of the Ombudsman Republic of Botswana.**

*Cher Homologue, Suite à la triste nouvelle m'annonçant le décès de l'honorable juge Edmond Cowan ancien Mediateur de la République de Sierra Leone, permettez-moi de vous adresser cher Homologue, à vous et à la famille explorée, mes sincères condoléances. Je me joins également à vos humbles prières, pour le repos de l'âme de notre regretté devancier, et que le Miséricordieux l'accueille dans son paradis Eternelle amen! En vous souhaitant bonne réception, cher Homologue, recevez mes salutations distinguées. Général Facine Toure – Mediateur de la République – Guinée.*

*Monsieur le Mediateur, C'est avec consternation et une grande tristesse que j'ai appris le décès, suite à une crise cardiaque, du Juge Edmond Cowan, ex-Mediateur de la République de Sierra Leone. Je tiens à vous adresser mes sincères condoléances pour cette perte qui endeuille non seulement votre pays mais l'ensemble des Médiateurs Africains, et vous exprimer mon entière solidarité dans cette douloureuse épreuve. Je vous prie d'agréer, Monsieur le Mediateur, l'assurance de ma considération distinguée. Pour le Mediateur de la République de Côte d'Ivoire – Daouda Tanon – Directeur du Cabinet.*

*Bonjour, Nous venons d'apprendre avec tristesse le décès de l'honorable Judge Edmond Cowan ancien Ombudsman de la République de Sierra Leone. En cette douloureuse, le Médiateur du Niger Me Ali Sirfi et l'ensemble du personnel présente à sa famille, amis et collègues leurs condoléances les plus attristées. Que son âme repose en paix. Me ALI SIRFI Médiateur du Niger.*

*Receive our sincere condolences from the Office of the Ombudsman Malawi. [The Ombudsman for Malawi asked all participants to stand for a moment of silence in Judge Cowan's honour at the opening of the training held in Malawi, 5 March,. Both **Adv. Mkhwebane** and **Dr. Victor Ayeni** spoke of their great loss.]*

*I am so sad to hear that our very good friend and colleague Judge Cowan passed away. Please extend to his family and to The Ombudsman Office of Sierra Leone our most sincere condolences. Maître Alioune Badara CISSE Mediateur de la République du Sénégal.*

*May God have his soul in peace. Hon Edouard, Ombudsman of Burundi.*

*Please accept our deepest condolences to the family, friends and colleagues of the Honorable Justice Edmond Cowan. On behalf of the office of the Western Cape Police Ombudsman and Adv. Vusi Pikoli.*

*The administrative Control Authority (ACA) would like to offer its deepest condolences for the loss of the Honorable Justice Edmond Cowan (Former Ombudsman Republic of Sierra Leone). Tarek Ramadan M. Allagh – Manager of Training and International Cooperation – ACA Libya.*

*This is the saddest news I have received this year! Judge Cowen epitomized knowledge of the law, capped by experience in Ombudsmanship, without reducing his gentility and intellectual acumen! The International Ombudsman Community, the African Continent, and the Good People of Sierra Leone are much the worse for this loss. Rest in Peace HE Hon Justice Edmond Cowan! Dr Otiende Amollo Ombudsman Emiritus, Kenya.*

*We cannot fully express our deep condolences for the sudden passing of Judge Cowan. He was a founding director of the Centre and served on the Board with distinction and humility. Always thoughtful, he insisted on clear decisions and actions based only on the principles of AORC's mission and the Constitution of AOMA. He was a true gentleman who always encouraged colleagues and staff to shine. It was an honor to have known him. His passing is a great loss not only for Sierra Leone but also for the entire community in Africa. We will always cherish his example. Note that his passing was acknowledged with a brief exposition of his character and contributions as well as a minute of silence at the training in ethics, accountability and transparency held in Malawi. This is apt because these are the principles that exemplified his contributions to the cause of human rights, democracy and rule of law. Message from the board of the African Ombudsman Research Centre.*

*Would you kindly convey to his family the condolences and appreciation of the Board of the African Research Centre. Adv. Busisiwe Mkhwebane – Chairperson of AORC Board and Public Protector South Africa.*

# Introducing the Ombudsman of Burundi

## Mr Edouard Nduwimana

**O**n 22 November 2016, the Burundi Parliament (National Assembly) elected the Former Minister of Home Affairs Edouard Nduwimana as the second Ombudsman. He is taking over from the first elected Ombudsman of Burundi since November 2010, Dr Mohamed Rukara, whose six-year term ended.

Before his new assignments as Burundi's Ombudsman, Nduwimana was the second Vice-Speaker of the National Assembly (parliament lower house). Previously, Nduwimana was the Home Affairs Minister and the Governor of the Burundi's northern province of Kayanza.

The Ombudsman of Burundi, according to Article 237 of the Constitution, receives complaints, investigates, and makes recommendations to the competent authorities on management misconduct and violations of the rights of citizens by public officials and the judiciary. He also mediates between the Administration and the citizens and between the ministries and the Administration.

The historical background of the institution of the Ombudsman of Burundi arises from the historic political agreement made in August 2000, in the city of Arusha, Tanzania. The various protagonists of the Burundian political-ethnic conflict signed this agreement that theoretically put an end to the armed conflict that had ravaged Burundi for more than 10 years. This agreement also instituted a more transparent political system that respects human rights, the rule of law and good governance. To this end, institutions that are essential for reinforcing the democratic principles of good governance while restoring trust between the public authorities and the population have been established. At the end of 2009, the Burundian parliament adopted a law



Hon. Edouard Nduwimana, Ombudsman Burundi,  
Second Vice-President AOMA

that creates the Ombudsman; it was promulgated at the beginning of 2010.

The Burundi Platform of Civil Society Organizations, who expressed their satisfaction with the work undertaken by Burundi's outgoing Ombudsman, Dr Muhamed Rukara welcomed the second Ombudsman, Mr Nduwimana. Mr Nduwimana was urged by the civil society to continue in the same direction, especially to help Burundians promote the path of dialogue and to abandon the use of force. He was also encouraged to continue reconciling religious leaders and organise peace conferences.



# Interview with the Ombudsman of Botswana

## Mr Augustine Makgonatsotlhe

### Background

**M**r Augustine Makgonatsotlhe was appointed Ombudsman of the Republic of Botswana on 1 June 2016, succeeding his predecessor Ms Festina S. Bakwena. Mr Makgonatsotlhe graduated from the University of Botswana with an LLB in 1987 and was subsequently awarded a master's degree (LLM) from the University College of London in 1996.

The new Ombudsman is a distinguished legal practitioner and a long-serving public officer who has extensive experience in the field of human rights. Mr Makgonatsotlhe was a member of the Cease Fire Commission of the United Nations Mission in Mozambique (UNOMOZ). Between 2000 and 2003, he acted as Legal Advisor to the former President of Botswana, Sir Ketumile Masire, who was then the facilitator of the Inter-Congolese Dialogue, which facilitated the negotiations for a new political dispensation in the Democratic Republic of Congo (DRC). Mr Makgonatsotlhe has also served (2003-2005) as the Chief State Counsel in the Attorney-General's chambers. From 2005 to 2007, he served as the Deputy Permanent Secretary (Administration) in the Office of the President, where he provided strategic leadership in the management and coordination of corporate services.

Prior to his latest appointment, he also served, since 2007, as the Secretary for Defense, Justice and Security in the Ministry of Defense, Justice and Security. He has also overseen Botswana's participation in the United Nations Human Rights Council and been in charge of Botswana's Refugee programme.



Mr. Augustine Makgonatsotlhe, Ombudsman Botswana.

**Q:** *How do you view your new position as the Ombudsman of Botswana?*

**A:** I feel honoured and privileged to have been appointed by His Excellency, the President Lt. General Dr Seretse Khama Ian Khama, to the position of Ombudsman of the Republic of Botswana.

This is a great opportunity for me to contribute to the good governance of this country and the well-being of my fellow countrymen. The position is a very challenging one and I pray to Almighty God to give me guidance to execute my duties without fear or favour.

**Q:** *As the new Ombudsman, you face the daunting task of investigating complaints against government agencies, officials and employees, and being the 'watchdog' on government spending of public funds. What are the terms of reference of your office and what is your power?*

**A:** What you refer to as terms of reference of my office are provided for in the Ombudsman Act No. 5 of 1995,

specifically Section 3 thereof. The office investigates complaints of maladministration against Government and its agencies, thereby playing an oversight role over the public sector and providing guidance on issues of good administration.

The Ombudsman, therefore, promotes adherence to good administrative standards, accountability and transparency in governance, through the observance of set rules and procedures, thereby upholding good governance.

If I have investigated a complaint of maladministration and am of the opinion that injustice has been caused to a person as a consequence of maladministration, I am empowered to make a recommendation to remedy the injustice caused.

**Q: Do your powers of investigation also apply in an 'official versus official' situation and what mechanisms exist for the protection of a complainant against victimisation by other members of his or her own department?**

**A:** Yes officials, that is, public employees, can also lodge complaints if they feel unfairly treated by other officials. The Act does not discriminate against public officials.

The Ombudsman Act is silent on the protection of a complaint against victimisation by other members of his or her own department but they would be covered under our Whistle Blower Act.

**Q: What procedure would be followed once the Ombudsman has completed an investigation?**

**A:** In terms of the Ombudsman Act, once the Ombudsman has completed an investigation, s/he produces a report that has to be forwarded to the Principal Officer of the government department or authority that was complained against, with recommendations for remedying the injustice caused.

**Q: Ombudsman institutions within the African continent and beyond have challenges in enforcing their recommendations. How do you intend to ensure that your recommendations are enforced?**

**A:** As you are aware, I have no enforcement powers but rely on what is referred to as 'moral suasion'. In this respect, we strive to persuade the government departments to take our reports seriously and comply with our recommendations. As a former public servant, and having served at higher levels in the public service I have an opportunity to use my contacts and associations to influence compliance with our recommendations.

**Q: In light of your public service experience, what challenges do you foresee encountering as the Ombudsman and how do you intend to use this unique role to address them?**

**A:** Instead of challenges, I see opportunities because having been in the public service for this long, I know the problems bedeviling it and I am in a position to influence change and contribute to good public administration.

**Q: The mandate of the Ombudsman for Botswana is in the process of being transformed to include human rights issues. Please elaborate on the current status of this new aspect to your mandate and how will your experience with UNHCR be utilised to ensure Botswana adheres to human rights standards?**

**A:** The Attorney-General's chambers are still drafting the Bill amending the Ombudsman Act to confer the human rights mandate in the Office of the Ombudsman. It is envisaged that once the drafting of the Bill is concluded and passed into law, the Office of the Ombudsman will be resourced to effectively and efficiently execute the mandate.

I have huge experience in the area of human rights in relation to refugees in my earlier career working with UNHCR and I believe this experience will help me in tackling the human rights mandate generally.

**Q: How do you intend to ensure effective implementation of the multiple mandates and ensure that the Ombudsman function will not suffer or be submerged by the human rights aspect?**

**A:** Indeed, experience from other jurisdictions that have multiple mandates has shown that one mandate suffers and in most cases it is the mandate of administrative justice that suffers because human rights is more appealing and glamorous, if I may say so. The best approach is to try to give them equal attention at the highest level, structurally and resource-wise.

**Q: What were the first three assignments that you tasked yourself with once you assumed this role and what tone do you think they have set for your tenure as Ombudsman?**

**A:** The three tasks I concentrated on when I assumed office were:

- (i) Increasing accessibility of the office
- (ii) Public education
- (iii) Stakeholder consultations

I believe that these three tasks have made the office relevant and a true guardian of citizens' rights.



## Featuring the **Office of the Ombudsman of Rwanda**

The Office of the Ombudsman is an independent public institution, which was established in 2003 by the Constitution of the Republic of Rwanda on 4 June 2003 by its Article 182. Law No. 76/2013 established its mission, powers, organisation and functioning.

The Office of the Ombudsman is headed by the Chief Ombudsman and assisted by two deputies: Deputy Ombudsman in charge of preventing and fighting injustice and Deputy Ombudsman in charge of preventing and fighting corruption and other related offences.

As stipulated by law, the Office of the Ombudsman of Rwanda is mandated to act as a link between the citizen and public and private institutions, among others. Its missions are:

### **1. To prevent and fight corruption and related offences**

- Receive and analyse the information related to corruption in public and private institutions. In case of evidence, preliminary investigations are initiated against the persons suspected of corruption;
- Carry out surveys on corruption in order to assess its categories and characteristics as well as provide preventive measures;
- Sensitise citizens on the prevention and eradication of corruption by all means of trainings, conferences, competitions, billboards, radio spots, town hall meetings, football games, among others;
- Conduct operational audits in public and private institutions in order to examine if their functioning may have loopholes for corruption; and
- Coordinate the secretariat of the National Advisory Council to fight against corruption and injustice.

### **2. To fight against corruption and injustice through the national advisory council**

The National Advisory Council was recommended in order to facilitate the collaboration between



Hon. Anastasia MurereKezi, Chief Ombudsman of Rwanda.

institutions in charge of preventing and fighting against corruption.

Duties of the National Anti-Corruption Advisory Council include:

1. Establishing strategies for fighting against corruption and injustice;
2. Examining and making observations on reports made on Rwanda from different institutions on corruption and injustice;
3. Setting up modalities to share information between members of the Advisory Council on corruption and injustice;
4. Approving and publishing annual reports on achievements in fighting against corruption and injustice in Rwanda;
5. Following up on the functioning of Advisory Councils at local levels.

## Dr Ayeni's appointment to HSRC – South Africa

Professor Victor O. Ayeni, PhD, has been appointed as Honorary Research Fellow under the Democracy, Governance and Service Delivery (DGSD) Programme of the Human Sciences Research Council (HSRC). Thank you to Prof. Kanyane for nominating him for this prestigious position.

Prof. Ayeni is an accomplished scholar and practitioner with over 30 years' experience at senior level in African universities, international development and African governments. He is a leading authority in African governance and public administration and has carried out teaching, research and policy advisory assignments in over 45 countries in Africa, Asia, the Caribbean and the Pacific.

Prof. Ayeni is probably most well-known for his work on the Ombudsman and related oversight institutions. In fact, his pioneering work in this area helped position the Commonwealth Secretariat as a leading technical player in this area.

Prof. Ayeni has a wide and versatile publication record, with some 15 books and over 160 referred articles, policy submissions and technical reports in public sector governance and management, international development, African and Commonwealth studies. He has been a member of the Editorial Advisory Board of The International Ombudsman Institute's Journal based in Alberta, Canada, and, until lately, Editor of the African Journal of Public Administration and Management (AJPAM), Africa's premier journal published by the African Association of Public Administration and Management (AAPAM).

Prof. Ayeni was appointed full Professor of Public Administration in 1993. He holds a PhD in Public Administration, University of Ife, Nigeria; a Certificate in Public Administration from the University of Tennessee, USA; and a BSc Social Sciences (Hons) (with specialisation in Political Science) from the University of Ife, Nigeria. He is currently Director and Managing Consultant of the Governance and Management Services International (GMSI), a UK-based firm that specialises, among other areas, in undertaking policy research and advisory support to states and organisations in developing countries and transitional democracies (see: [www.gmsiuk.com](http://www.gmsiuk.com)).

Prior to his current role, he was Director of the Governance and Institutional Development Division of the Commonwealth Secretariat, London, and before that,



Prof. Victor Ayeni.

Deputy Director and Lead Adviser in Governance and Public Sector Management at the Commonwealth Secretariat.

Prof. Ayeni's research records cut across several aspects of the work of the Democracy, Governance and Service Delivery (DGSD) Programme of the Human Sciences Research Council (HSRC). His extensive research and professional work on ombudsman and oversight bodies sets him out as one of Africa's leading minds on the institutional responses to securing ethics and integrity in government, resolving citizens' grievances, and ensuring that public services are responsive and client focused. By way of example, his publication on Empowering the Customer – The Citizen in Public Sector Reform, London, 2001, is a well regarded reference document on service improvement reforms and institutionalising citizens' (and clients' service) charters in the service delivery process. Similarly, his publication on: 'Ombudsmen as Human Rights Institutions' in the Journal of Human Rights, December 2014 (Philadelphia, USA), presents a definitive statement on a longstanding debate on the human rights aspects of governmental oversight bodies.

This interest is reinforced by a more extensive commitment to addressing the issues of democratisation and state performance, the challenge of public sector change, and establishment of well-functioning administrative institutions in Africa's budding democracies. Prof. Ayeni has consistently focused on ensuring that his research is not just underpinned by hard evidence and rigorous analyses but also contributes to providing practical solutions and concrete action steps for the future.

Source: <http://www.hsrb.ac.za/en/news/view/prof-ayeni-dgdsd> on 21/07/2016



# AORC Board **15<sup>th</sup> African Ombudsman Board Meeting, 15 February 2017**

The 15<sup>th</sup> Board Meeting was held on 15 February 2017 in Durban, South Africa.

Members present at the meeting were the Chairperson Adv. Busisiwe Mkhwebane (Public Protector, South Africa); Madame Foziya Amin (President of AOMA and Chief Ombudsman, Ethiopia) Dr Regina Mwatha (Acting General Secretary AOMA and Ombudsman, Kenya) Prof. Managay Reddi (Acting DVC, UKZN) Madame Alima Traoré (Médiateur du Faso, Burkina Faso) Dr Paulo Tjipilica (Provedor de Justica, Angola) and the late Judge Edmond Cowan (Ombudsman, Sierra Leone).

Among the observers to the meeting was the New Ombudsman of Burundi Mr Edouard Nduwimana. An apology was received from Prof. John Mubangizi (DVC, UKZN).

In her welcoming address, the new Public Protector of South Africa and new Chairperson of the Board, Adv. Mkhwebane, welcomed everyone present, introduced herself and expressed a word of gratitude to Adv. Madonsela as previous Chairperson. She welcomed the Burundi Ombudsman who was visiting AORC for two days and attended the Board meeting as an observer.

In her remarks on behalf of the DVC, Prof. Managay Reddi gave a warm welcome to the new Chairperson of the Board. She then expressed excitement about the future of the Centre, the leadership of the current Board and the links that the Director had established with IOI.

Among the matters arising from the minutes:

- The Director walked the Board through the revised Strategic Plan 2016-2019 that is in compliance with National Treasury requirements for Strategic Plans and which is following the RICA (Research, Information, Capacity, Advocacy) model.
- It was agreed that language training be included specifically in the objectives of the AORC Strategic Plan for budgeting purposes, and that English should be the first language to be taught. The Secretariat of AOMA was assigned coming up with modalities for language training – how long, which people should be trained and how they can be linked back to their institutions thereafter.
- On deregistering AORC as a Section 21 company and registration as an international organisation, it was



AORC Board Meeting.

noted that the Board's recommendation to AOMA would be for AORC to remain as a Section 21 company in accordance with the AOMA Constitution and in order to retain tax-exempt status.

- It was projected that AOMA has savings from General Assembly; these saved funds can be used for flight and accommodation logistics for the facilitator to conduct the AOMA Strategic Plan training.

The Director presented the AORC Activities Report; the key highlights were the Department of International Relations and Cooperation (DIRCO) relationship, the Strategic Plan and Annual Performance Plan, the Audits, the Rent overpayment, the use of internal UKZN vendors by AORC, and the MOU between AORC and CAJ. The key programmes focused on AORC – IOI research, information, capacity building, and advocacy.

The Chairperson went through the funding proposal, stating that it indicates AOMA's broader mandate to seek an agency relationship with the African Union. She also underlined one need to remember DIRCO'S focus on the African Renaissance. There is a need to use AOMA and AORC to promote peace and stability in Africa. There is a need to fund the institution in such a way that they can promote the use of mediators and ombudsmen to assist in situations of conflict on the Continent.

In her concluding notes, the Chairperson thanked all for their contribution to all of Africa and not only to their countries. She thanked everyone for coming.

(The 16<sup>th</sup> Board meeting of 6 September 2017 will be reported in the next newsletter)

# Capacity/Training

## a. Zambia Strategic Planning Training



Vice President of Zambia – sitting in the middle.

The Office of the Public Protector of Zambia, in conjunction with AORC, Africa, hosted a five-day meeting of AOMA and an IOI Regional meeting from 26-31 March 2017 in Lusaka, Zambia.

The Public Protector of Zambia holds the seat of Africa Regional President for the International Ombudsman Institution (IOI) and is the Treasurer of the African Ombudsman and Mediators Association (AOMA).

The meeting had a total participation of 33 individuals from the following 20 countries:

Angola, Botswana, Burkina Faso, Cote D'Ivoire, Djibouti, Gambia, Lesotho, Madagascar, Malawi, Niger, Kenya, Sierra Leone, South Africa, Sudan, Tanzania, Tchad, Uganda, United Kingdom, Zambia, and Zimbabwe.

Her Honour the Vice-President of the Republic of Zambia, Madam Inonge Mutukwa Wina officially opened the meeting.

In her opening speech, Madam Wina stated, "The presence of an Ombudsman institution is a clear demonstration of Africa's commitment to promoting institutions of good governance. I wish you productive deliberations in all your meetings."

She further stated that Zambia regards the gathering of Ombudsman offices in Africa as significant, as it is rare that Ombudsman offices from all over the African continent are drawn together on a single occasion, to scrutinise their performance and to assess the status of the ombudsman institution in relation to the different jurisdictions from



Training in full session.

which they operate. The Zambian government was one of the first administrations in Africa to recognise the need to improve on access to justice for people right down to the grass roots level.

She stated that it was gratifying to learn that AOMA has partnered with the African Union as one of the institutions recognised by the African Union as being an essential element of Africa's attainment of the tenets of good governance and democracy.

### i. AORC training under the theme 'Creating Strategic Driven Ombudsman Process'

Professor Victor Ayeni, who is an authority from Governance and Management Service International (GMSI), conducted the training in 'Creating a Strategic Driven Ombudsman Process'. Some 45 ombudsmen and senior staff from 20 countries participated.

Lessons learned from the training included:

- Strategic Planning (SP) is a very important tool for an organisation as it helps in planning for the risks that might be faced by the organisation.
- Strategic planning in an Ombudsman institution entails that the walls have to be broken between the public institutions and the members of the public. It is more than just investigating complaints against public institutions, (thus creating the impression of enemies between the public and the institutions) but also enlightening the public about the roles of public institutions and protecting public institutions from unfair criticism, where necessary. The Ombudsman institution has evolved from just being an institution for receiving complaints.
- It is important to frequently talk about and review the strategies, values and mission of the institutions so that even the lowest level officers in an institution understand its purpose.
- The SP is mainly a leadership function centered on the leader's vision and professional background of head of office, which sets the tone of the institution.
- SP provides the following for the institution: clarity of purpose, providing a sense of direction, priorities, common values, appreciation of core competencies; unity of purpose, including participation and involvement, understanding and commitment to what we do; establishment of coherence; achievement of purpose; framework for day-to-day decision-making, including establishing authority lines and delegation; a basis for monitoring and an approach to responding to uncertainties.
- The ability to execute strategy is probably more important than the quality of the strategy itself.

At the end of the training, the participants were awarded certificates, presented by Her Honour the Vice-President of the Republic of Zambia, Madam Inonge Mutukwa Wina.

## ii. AOMA Southern Africa Region Meeting

The following countries and institutions attended the AOMA South African Region Meeting: Angola, Lesotho, Botswana, Malawi, Madagascar, South Africa, Zambia, South Africa – Military Ombudsman Office, South Africa – Western Cape Police Ombudsman Office, Zambia, Zimbabwe.

The key matters discussed in this meeting were:

- Membership for the AOMA Southern Africa region
- Updates on the implementation of the OR Tambo declarations on the minimum standards for an effective Ombudsman institution

- Training to be considered for the AOMA SADC region
- Consideration and adoption of the standardised report format
- Consideration of the AOMA constitutional amendments
- AOMA Southern Africa Region collaboration with SADC
- AORC's request for Expression of Interest for a Roster of Trainers and Facilitators

## iii. Consultative Meeting on Development of AOMA Strategic Plan

Having completed related training, the Secretary General of AOMA Advocate Regina G. Mwatha, the Ombudsman of Kenya, chaired the consultative meeting on development of the AOMA strategic plan and the facilitator was Professor Victor Ayeni.

Eight countries attended the meeting, namely: Chad, Cote d'Ivoire, Burkina Faso, Kenya, Lesotho, Madagascar, South Africa, and Zambia.

Professor Victor Ayeni guided the meeting by first introducing that a strategy is about what the association wants to be.

The following resolutions were made arising from the discussions of the meeting:

- The Association should adopt the word complaint handling in its name so that it can attract more members. Therefore, membership guidelines should be reviewed.
- There should be equal voting powers as long as one is a member; it could be an individual, national office or sector office.
- The national Ombudsman institutions should encourage the formation of sectoral Ombudsman institutions to be able to handle specialised skill investigations.
- There should be flexibility of hosting the associations' meetings so that even individuals can attend.
- Build up Kenya for the AOMA Secretariat.
- The Secretariat should be able to generate funds by using means such as offering trainings at cost and payment for conference fees, etc.
- By end of 2017, the membership of AOMA should be doubled.
- The Arabic front membership should be strengthened.
- Language barriers within the association should be addressed.
- AOMA is to become the reputable voice of Ombudsman institutions.
- Build the relationship between the AU and AOMA.
- Directional statement of the Association to work on the value, vision, and mission.

## b. Study Attachment Pilot

**A**ORC piloted its study Attachment programme during the month of May 2017. Two attachees (both lawyers) from the Offices of the Ombudsman for Malawi (who suggested the idea) and Kenya (Special Assistant for AOMA), tested a programme that entailed:

- A four-day Forensic Investigations course through the Institute for Professional Legal Training;
- Pictorial presentation on the struggle for justice in South Africa by Dr Annie Devenish (part-time AORC Research Project Manager);
- Scheduled discussions with the Director on the Ombudsman History and Evolution; Investigation Practice; Persuasive Reporting; Mediation Practice; Human Rights, and a consultation on analytic techniques and possible strategies for current challenging investigations in the Attachees' home offices;
- Some research work with Dr Devenish on the IOI Africa Study to consolidate interview and survey results, identify gaps, follow up with country interviewees;
- Some communication work with Franky Lwelela (communication officer) to interview and draft content for the next newsletter;
- Some work with Marion Adonis (finance operations officer) to audit and identify gaps in country information on file;
- A French language instruction with Alliance Française three times per week (in order to assist AORC to develop a modality for a pilot stand-alone language programme);
- Panel at UKZN Law School: Can Africa be Decolonised?;
- Book launches on G. Mills' Making Africa Work (with former Nigerian President, Olusegun Obansajo). and B. Shepherd's The Men of the Mendi;
- Orientation meeting about the Peace Studies Programme, with Dr S. Kaye and doctoral students at Durban University of Technology (DUT); and
- Some social and cultural events: the Sunday Jazz Concert at St Aidan's Church, walking tour of Durban, Victoria Market, Phanzi Museum, and Mandela Capture Site and Midlands Meander, via the Valley of 1000 Hills.



L-R: Ms. Hilda Odjiambo from Kenya, Adv. Arlene Brock – Director AORC, and Ms. Chipiliro Mangulama from Malawi.

Their feedback about the overall study visit was as follows:

**Chipiliro Leah Mangulama, Malawi:** The attachment programme was arranged in such a manner as to expose the attachees to as many different activities as possible. The main assignments included research, forensic investigations' training, newsletter assignments, a French language course, an Ombudsman presentation and practical examination of cases. Expectations of the programme were set out on the first day where the schedule and assignments of the programme were explained and discussed. This set the tone and pace of the programme and acted as an 'ice-breaker' to this programme. The area of assignment involved going through questionnaires filled by different countries and researching further in order to strengthen what was submitted and to fill in any possible gaps. This assignment allowed us to compare different jurisdictions of Ombudsman institutions within Africa and appreciate the different hybrids of such offices, depending on the need and political set up of each country. Working on AORC newsletter was also a major assignment. We were involved from the brainstorming of the contents of the newsletter, and understanding of how which material gets selected and why. We were also given assignments to conduct the actual research and develop material that will form part of the newsletter for the next issue.

The Ombudsman/investigative tools presentation by AORC provided an opportunity for us to not only learn various tools and skills to use in our work, but it also provided an opportunity for us to present challenging cases we are currently investigating. As a team, we then used what was

discussed in the presentation to create an investigation plan of action and to discuss possible ways to resolve such complaints. It was, therefore, a great opportunity for one to get new insight and expertise into ongoing challenging cases. We attended a one-week training on forensic investigations. This was a great idea to have the participants attend an investigations course during the programme as financial constraints for the majority of Ombudsman institutions do not allow for such capacity building.

The topics covered in this course were very relevant and touched on many aspects that as public institutions we could be guilty of and which we deal with in our daily work such as fraud and corruption in public budgeting, procurement and financial accounting. The topics provided a systematic guidance on how to approach complaints, allegations and investigations in these areas. The course was, therefore, very beneficial, however, in future, there might be a need to take into consideration the particular background of the attendees. For those who have a legal background, some courses from the advanced level would be of more value than those at this basic level. The French lessons taken as part of this programme were personally very beneficial due to my background, which involved taking lessons in French during tertiary education. However, providing the French or English lessons to future attendees in order to ensure easy communication to the various Ombudsman institutions on the Continent will require some form of continuity in order for these French lessons to be effective and to have the desired impact. As it is, once participants return to their home countries, they will not continue practicing French or English as the need hardly arises for us to utilise a foreign language while discharging our duties. Although Alliance Française provided materials for students to continue learning in the form of CDs and textbooks, it still requires some form of supervision and interaction with others who speak French in order for one to master the language.

The Programme also included presentations and excursions, which enabled us to learn South African history and culture, such as presentations on South African history, visits to the Mandela capture sight, Phanzi Museum and a tour of Durban's CBD. We also attended various book launches and debates at the University of KwaZulu-Natal, which were key to dialogue on the Continent on how Africa can be self-sufficient and thus move away from corruption, donor dependency, decolonisation and a history that holds Africa as a continent back.

**Hilda Ojiambo, Kenya:** First of all, thank you for the opportunity. The three weeks at AORC were an experience of intense learning, cultural exchange and indeed, professional growth. At the end of my French classes, Teacher Capucine thought that I had greatly improved. I also benefitted immensely from our 'Ombudsman Discussions' with Arlene and Chipi from Malawi. Since my return, I have applied the jurisprudence that Arlene shared with us from Ombudsman offices across the world to determine one of the cases that had taken long to be finalised in our office – the very case that we also discussed with Arlene and Chipi and crafted some strategies of how to go about it. I have equally shared the jurisprudence with colleagues here at our office and they find it useful. It would be great for AORC to keep gathering such jurisprudence and updating it for the benefit of Ombudsman offices in Africa.

The discussions outside the office, and particularly with the University fraternity at the braais and brunch, were equally illuminating, not to mention the book fairs. I did not know about the Africa Day until I heard about it at the debate in UKZN on 'Decolonizing Africa'. In future, perhaps AORC and AOMA may grow strong enough to come up with activities to mark this day under our advocacy mandate. Working on the research from ombudsman offices of the Continent provoked my interest in ombudsman academia and inspired me to consider an ombudsman-related topic for further studies when I enrol for my LLM soon.

The research, coupled with the visit to Dr Sylvia of the Durban University of Technology about her PhD Peace Programme, made me realise that the institution of the Ombudsman in Africa needs to do much more to advocate peace-building, which is very intertwined with good governance, alternative dispute resolution and the reality of prolific conflict in the Continent. While it may be argued that only the Ombudsman of Burundi has this specific mandate by law, I think an argument can still be advanced that what is not prohibited is permitted in the larger context of good governance and dispute resolution. Lastly, the Forensic Investigation classes and Arlene's discussion of various approaches to ombudsman investigations using the 'Relationship Matrix' and 'Interest Analysis' added to my skills in this field. With this skill, I can better analyse and determine complaints. UKZN Law School could perhaps reinforce the classes in future by providing attendees with access to the University library to further read and build on these areas during their life.

Thank you!

## AOMA receives AFRICA PEACE AWARD from URI (United Religion Initiative - Africa)

**A**t the International Peace Conference on the Role of Mediation institutions in Peace Building and Training of the African Ombudsman Research Centre for the Central African Region of AOMA being held in Burundi from 4-6 July 2017. The Africa Peace Award was presented to the President of AOMA in the morning of the 6th July by the Ambassador Mussie Hailu (Regional Director of URI for Africa and Representative of URI to UN and AU).

Ambassador Muse Hailu stated that the Initiative has decided to honor AOMA after a careful assessment of its fortitude and realization in strengthening good governance, rule of law, human rights and peaceful coexistence in Africa.

In her word of thanks, the president of AOMA, Mme. Foziya Amin underlined that the award given will encourage the association to work harder for the better achievement of human and democratic rights, good governance and realization of the rule of law in Africa.

To conclude this occasion, URI-Africa and AOMA signed a bilateral memorandum of understanding to promote



AOMA and URI-Africa MoU.

good governance, rule of law, human dignity, peaceful coexistence, mutual respect among people of different religions and cultures; counter-violence extremism, and radicalization; on issues of The African Union's agenda 2063 and Sustainable Development Goals, and other issues in Africa to work together hereafter.

## Research IOI/AORC Study Progress to Date

### Update on IOI Africa Ombudsman Study (November 2017)

**A**t the close of 2016, AORC announced that its Extension of the Comparative Analysis of Legal Systems Study would be incorporated into a larger, longer-term comprehensive Africa-wide study, collaboration between the International Ombudsman Institute and AORC. This larger Study, encompassing all Ombudsman Offices on the Continent, is now well underway. AORC is pleased to report that it has conducted interviews with 38 Ombudsmen offices as of March 2018. These interviews took place in parallel with the AOMA GA in November 2016 and with AOMA trainings in Cote d'Ivoire, Zambia and Burundi in 2017, and Malawi and Djibouti in 2018.

The research process, which includes indepth interviews

and significant follow-ups, is yielding new insights and lessons that reveal the diversity and adaptability of the institution on the Continent, and highlighting the 'Africa difference'. Feedback from country offices has also been positive:

"The AORC research interview was a very fruitful exercise for me. It made me focus on our journey so far as the ZHRC, the challenges faced and our response thereto, and possible areas of focus in improving our delivery on our mandate, particularly our Public Protector/Ombudsman mandate" noted Dr Ellen Sitole, Deputy Chairperson of the Zimbabwe Human Rights Commission, a dual mandate institution that serves as a Human Rights Commission and Public Protector.

### Possible October Workshop

Preliminary negotiations are underway to offer a one-week mediation training workshop in October in Durban facilitated by a former partner of Conflict Management Inc., corporate arm of the Harvard (Law School) Negotiation Program. This will be an introductory interactive workshop for up to 22 persons only (with a goal of identifying persons with an aptitude for a future, smaller Train-the-Trainer workshop). Please reserve time and budget. AORC hopes to finalise and circulate details by mid-June.

# Useful Phrases

ENGLISH	FRENCH	ARABIC	PORTUGUESE
Have fun	Amusez-vous	اعتمتسإ / <i>'iistamtae</i>	Divirta-se
Bless you (after sneeze)	À tes souhaits/À vos souhaits	كئف كراب / <i>barak fik</i>	Saúde
Cheers (toasting)	Santé	كتحص يف / <i>fi sihtik</i>	Tin-tin
Hello (answering phone)	Âllo	ابحرم / <i>marhabaan</i>	Alô
Be careful	Fais attention/Faites attention	ارذح نك / <i>ahdhir</i>	Cuidado/Atenção
Don't worry (inf)	Ne t'en fais pas	قلقت ال / <i>la tuqaliq</i>	Não te preocupes
Be quiet/Shut up (inf)	Tais-toi	سرخا / <i>akhrus</i>	Cale a boca
Congratulations	Félicitations	انيناهت / <i>tahanina</i>	Parabéns
Happy New Year	Bonne Année	ةديعس ةديج ةنس / <i>sunat jadidat saeida</i>	Feliz Ano Novo
Happy Easter	Joyeuses Pâques	ديعس حصف ديع / <i>eyd fash saeid</i>	Feliz Páscoa
Merry Christmas	Joyeux Noël	ديعس داليم ديع / <i>eid milad saeid</i>	Feliz Natal
Happy birthday	Bon anniversaire	ديعس دلوم ديع / <i>eyd mawlid saeid</i>	Feliz aniversário
Enjoy your meal	Bon appétit	ةيهش ةبجو كل ينمأ / <i>'atamanaa lak wajabat shahia</i>	Bom apetite
Have a safe journey	Bon voyage	ةنمآ ةلحر / <i>rihlat amina</i>	Boa viagem
Have a good holiday	Bonnes vacances	ةديج ةلطع كل ينمأ / <i>'atamanaa lak eutlat jayida</i>	Desejo-lhe umas boas férias
Have a nice day	Bonne journée	ديعس ارادن كل ينمأ / <i>'atamanaa lak naharana saeid!</i>	Tenha um bom dia
Sleep well (inf/f)	Dors/Dormez bien	أديج من / <i>num jydaan</i>	Durma bem
Sweet dreams (inf/f)	Fais/Faites de beaux rêves	ةلجم مالحأ / <i>'ahlam jamila</i>	Bons sonhos
I love you (inf)	Je t'aime	كبحأ / <i>'ahbak</i>	Eu te amo
I miss you (inf)	Tu me manques	كل قاتشم ان / <i>'ana mushtaq lak</i>	Sinto a sua falta/Sinto saudades

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