

WEBINAR: RECALCITRANT RESPONDENTS

Tuesday, 29 June 2021 - 10h00 (English)

A very good morning to all!

My name is Professor Colette Muller, the Dean of Research in the College of Law and Management Studies. I have given a pleasant task to welcome you to the sixth webinar session of the African Ombudsman Research Centre (AORC) in 2021.

I would like to start by acknowledging the:

- Chairperson of the African Ombudsman Research Centre (AORC) Board; President of the African Ombudsman and Mediators' Association (AOMA) and Public Protector of South Africa – Advocate Busisiwe Mkhwebane
- Dean and Head of the UKZN School of Law and member of the AORC board – Professor Managay Reddi
- Deputy Public Protector of South Africa – Advocate Kholeka Gcaleka

I extend a warm welcome to our esteemed panel comprising of:

- Ombudsman of Botswana and Regional Coordinator (Southern Africa) of AOMA - Honourable Augustine N. Makgonatsotlhe
- Ombudsman of Victoria (Australia) - Ms Deborah Glass
- Member of the National Council for Human Rights in Egypt - Dr Ahmed About Wafa
- Excellencies and Honourable Ombudsman who are able to join us
- Distinguished participants/guests
- Members of the media

Greetings Senior Colleagues,

I welcome you on behalf of the Acting Deputy Vice-Chancellor and Head of the College of Law and Management Studies, Professor Brian McArthur, who unfortunately could not join us due to ill health. However, it is my absolute pleasure to welcome you an AORC webinar session themed: Recalcitrant Respondents.

This is another important topic to deliberate upon as the Ombudsman Institute because once a complaint is brought to the office of the Ombudsman, the investigation process requires full cooperation from the respondents in order to give all parties concerned a fair chance to answer to the case at hand. However, we have

all witnessed in our various African states the investigative process being hindered by the reluctance of respondents to participate in the proceedings. This often leaves the complainants frustrated and poses a huge challenge to the Office of the Ombudsman.

As someone who works in the research space, I sympathise with the Office of the Ombudsman because without the cooperation of the respondents, the investigative task cannot be successfully concluded.

I'm pleased that as a research-led institution through AORC and partnerships with organizations such as the AOMA and IOI we are able to contribute to researching African problems and through engagements such as this webinar we are able to devise appropriate solutions.

As I was preparing for today's webinar, I came across a research paper from the Best Practice Paper Series of the IOI authored by one of our panel members, the Ombudsman of Australia, Ms Deborah Glass in 2018. In her paper titled: "*Good Practice Guide to Dealing with Challenging Behaviour*" Ms Glass provides a useful practical guide on how to deal with challenging behaviour. So, Offices of Ombudsman that have not developed guidelines on how to managed recalcitrant respondents will benefit from this paper which can be found on the IOI website.

In keeping with the mandate of AORC to promote capacity development, knowledge generation and professionalism within African Ombudsman institutions, delegates can look forward to hearing other esteemed panel members from the African continent share their insights on why respondents refuse to cooperate; how they have productively dealt with recalcitrant respondents; and the techniques that can be adopted by the African Ombudsman Institutions to encourage recalcitrant witnesses to cooperate in investigations.

Unfortunately, I'm unable to participate until the end of the webinar session as I already had a full diary when I accepted to stand in for Professor McArthur, however, I'm confident that the insights from the panel will empower the Offices of Ombudsman in the furtherance of good governance, the rule of law, and human rights in Africa.

I once again welcome you to the sixth webinar session of the AORC in 2021.

It is my pleasure to hand over to Advocate Mkhwebane, who will now formally welcome you as the Chairperson of AORC.

Thank you.