



MEDIA RELEASE

Tuesday, 25 February 2014

For immediate release

Chief Justice Mogoeng calls for supportive environment for the African Ombudsman institution

South Africa's Chief Justice, Mogoeng Mogoeng, on Tuesday called on African governments and the African Union to improve efforts to create conditions that are conducive to effective offices of the Ombudsman.

Security of tenure, decent remuneration and retirement benefits, proper security arrangements, acceptable budget, competent staff as well as office accommodation and tools of trade must be secured for the Ombudsman, he said.

Chief Justice Mogoeng was delivering a keynote address to mark the beginning of a two-day African Ombudsman Summit currently underway in Kempton Park, Johannesburg.

Attended by heads of Ombudsman institutions (or Public Protectors) from a number of countries across the African continent, the summit aims to explore the contribution that Ombudsman institutions can make to the consolidation of democracy, good governance, peace and stability on the continent.

Apart from heads of Ombudsman institutions, the summit has brought under one roof inter-governmental representatives, academics, Non-Government Organisations, political parties and experts in ombudsman practice.

The summit is being hosted by the African Ombudsman Research Centre (AORC), an entity of the African Ombudsman and Mediators Association (AOMA) based at the University of KwaZulu-Natal in Durban, which is wholly funded by the South African Department of International Relations through the African Renaissance Fund and managed by the Public Protector South Africa.

AOMA is 39-member organisation of Ombudsman and Mediators across the African continent. It was established in 2003, 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.

Chief Justice Mogoeng called on Ombudsman institutions to be determined to uproot corruption in governments, explaining that cover-ups were not signs of patriotism but "a betrayal of legitimate expectations of the poor and under-serviced majority".

Bringing it closer to home, Chief Justice Mogoeng said the proper exercise of the constitutional powers of South Africa's Public Protector bodes well for ridding government of maladministration and corruption.

"The publication of the Public Protector's reports and the huge media coverage they enjoy, have probably discouraged multitudes from allowing greed to drive them down the wasteful expenditure or corruption lane," he said, adding that the office must be supported, strengthened and protected by "all genuine lovers and advocates of good governance".

Chief Justice Mogoeng also issued a warning to heads of Ombudsman institutions, urging them to guard against what he termed "illegitimate external influences" whom he said were ever-ready to fake genuine support or appreciation of a job well done when it was in fact their desire to manipulate.

He said people heading Ombudsman institutions should be independent in relation to decision-making processes and authority.

"The position of the Ombudsman is in many ways similar to that of a Judge," he said. "They are both required to render decisions without fear, favour or prejudice. Who will be excited by or unhappy about the outcome should never be, and I want to believe is never, a consideration."

The Chief Justice said "ever-flowing" invites to prominent platforms and prestigious networking opportunities for the select few must be accepted on a principled basis that did not compromise the interests of countries and the continent. He explained that a compromised person or institution would lack the credibility to contribute meaningfully to good governance.

AOMA President and Angolan Ombudsman, Paolo Tjipilica, said lack of good governance was an incubator of violent conflicts that posed a threat to peace and stability in the continent.

Also speaking at the event, AOMA Secretary and South African Public Protector, Adv. Thuli Madonsela, told delegates that their presence could be attributed to their commitment to playing their part in Africa's rebirth activities, which included strengthening good governance.

Adv. Madonsela, who is also the Chairperson of the AORC board, said it was important to understand the place of good governance in strengthening democracy and sustainable development across the continent, adding that Ombudsman institutions were partners in that regard.

Delegates are expected to emerge with resolutions -termed the OR Tambo Declaration on minimum standards for African Ombudsman- when the summit comes to an end on Wednesday.



Sunday, 02 March 2014

For immediate release

African Ombudsman Summit adopts pioneering declaration on minimum standards for ombudsman institutions

Delegates at the first African Ombudsman Summit, held in Kempton Park, Johannesburg last week, adopted a ground-breaking governance instrument titled the OR Tambo Minimum Standards for Effective Ombudsman Institution and Cooperation.

The historic declaration proposes ten minimum standards that African states ought to comply with when establishing Ombudsman Institutions (or Public Protectors) in the continent.

These include the independence and autonomy of such institutions; the establishment of such institutions that is preferably guaranteed in the constitutions of the individual states; and the security of tenure for heads of such institutions.

The standards also include the mandate, resources, operations, accessibility, conditions of service, impartiality and accountability of such institutions.

This development follows Article 15 of 2011 of the African Union (AU), which deals with the establishment of, support and effectiveness of Ombudsman Institutions and other institutions supporting democracy.

Currently, the characteristics of Ombudsman Institutions across Africa vary from one country to another. In addition, such institutions do not exist in more than a dozen African countries.

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

With regard to the security of tenure, the declaration recommends a fixed term that is not subject to removal without a just cause. The process of removal should be fair, transparent and regulated by the constitutions of individual states, preferably involving an independent body. Also, the Ombudsman's appointment process must be transparent and preferably executed through a competitive process in the legislature.

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

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

The declaration further covers cooperation between the African Ombudsman and Mediators Association (AOMA) and the AU Commission on strengthening good governance.

It will be tabled at the AOMA General Assembly –the association’s highest decision making body- to be held in Ethiopia later this year. On approval, the declaration will be presented to the AU for its consideration and possible integration into its shared values instrument.

Hosted by the African Ombudsman Research Centre, the Summit was attended by heads of Ombudsman institutions from 39 countries across the African continent. It sought to explore the contribution that Ombudsman institutions can make to the consolidation of democracy, good governance, peace and stability on the continent.

Apart from heads of Ombudsman institutions, the summit brought under one roof inter-governmental representatives, academics, Non-Government Organisations, political parties and experts in ombudsman practice.

South Africa's Chief Justice, Mogoeng Mogoeng, earlier opened the summit, calling on African governments and the AU to improve efforts to create conditions that were conducive to effective offices of the Ombudsman in the continent.

Meanwhile, the AOMA Executive Committee also met shortly after the summit, resolving, among other things, that its next meeting to be held in Abidjan, Côte d’Ivoire on 11-12 April 2014 would include all leaders involved in peacekeeping activities in the continent to share insights and strategies aimed at enhancing peace efforts, integrating issues of good governance.

AOMA President and Executive Secretary, Dr. Paulo Tjipiliča (Angolan Ombudsman) and Adv. Thuli Madonsela (Public Protector of South Africa) respectively thanked all participants and the South African government, in particular, for facilitating and funding the summit.

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