

# MINUTES

## **12th Annual Meeting of the Board of Directors of the Asian Ombudsman Association (AOA)**

**Date: 26<sup>th</sup> August, 2010**

**Venue: Manila, Philippines.**

**List of participants is attached.**

In his opening remarks, Mr. Mr. Javed Sadiq Malik, President, Asian Ombudsman Association (AOA), welcomed all BoD members. Ms. Ma Wen, Minister, Ministry of Supervision, Peoples Republic of China, Mr. Mostafa Pour Mohammadi, President, General Inspection Organization, Islamic Republic of Iran and Mr. Junich Tanaka, Director General, Administrative Evaluation Bureau, Japan could not attend the meeting and were represented by Mr. PAN Xuanmin, Deputy Director General, Mr. Valiullah Khobreh, Vice President General Inspection Organization, Islamic Republic of Iran and Mr. Suguru Shiraiwa Director, Administrative Evaluation Bureau, Japan respectively.

Mr. Jae choong Lee, Standing Commissioner, Anti Corruption and Civil Rights Commission, Republic of Korea represented the Chairman as the position was vacant.

### **Agenda Item No. 1**

#### **Approval of the minutes of the last (11th) meeting of the Board of Directors held at Bangkok, Thailand on 2<sup>nd</sup> November, 2009.**

The Executive Secretary AOA requested the Board to consider and confirm the minutes of the 11th annual meeting of the Board held at Bangkok, Thailand on 2nd November, 2009.

### **Decision:**

The minutes were approved.

## **Agenda Item No. 2**

### **Approval of agenda for the present (12th) annual meeting of the Board of Directors of the AOA.**

The Executive Secretary AOA presented before the Board the draft agenda for the current meeting for approval.

### **Decision:**

The agenda proposed by the AOA Secretariat was approved for discussion.

## **Agenda Item No. 3**

### **Implementation Report on the decisions of the last (11th) meeting of the Board of Directors.**

The Executive Secretary presented the implementation status/ progress on the decisions taken in the last meeting of the Board.

The Board of Directors reviewed the progress in detail. The following points came up for discussion:

- i) No action was required on agenda items no.1, 2, 3 (i) (ii) & (vi) 4, 8, 13 and 15.
- ii) On agenda items no. 3(iii) & (iv) 5, 7, 8, 9, 11&12, the Board noted the position and no further action was called for.
- iii) Agenda items No. 6, 11(iv) and 17 were listed as separate agenda items of the current meeting.
- iv) Detailed discussions were held on the agenda item No. 16 and following points emerged on the issue of entertaining the complaints of foreign nationals:-
  - a. On the procedural aspect of entertaining the complaints lodged by the foreign nationals, the following mechanisms were discussed.
    - i. Thailand, Korea and Philippines suggested and favoured the signing of MOU between the respective Ombudsman Institutions on bilateral basis to entertain complaints against each other's nationals.

- ii. Iran suggested that AOA should pass a resolution on mutual entertainment of complaints from complainants of member countries.
  - iii. The President opined that this was a very important service and it should be provided by all the member institutions adopting appropriate procedures suited to them individually.
- b. With respect to the translation aspect of complaints lodged in other than the official language of an Ombudsman institution, the suggestions and proposals discussed as follow:
- i. Hong Kong suggested to send the complaints for translation to respective Ombudsman institutions, while keeping the confidentiality and privacy of the complainant's particulars.
  - ii. Korea suggested that the translation facility available on google search engine may be used and show its willingness to share the expertise and knowledge with the other members.
  - iii. Pakistan suggested that the translation facility provided through AOA website may also be used.

**Decision:**

The Board showed its satisfaction over the implementation status of the decisions taken in the last meeting. On agenda item No. 16 of the implementation report, the issue of entertaining the complaints of foreign nationals, it was decided to leave the matter to the discretion of the members to adopt any of the proposals made in the meeting.

**Agenda Item No. 4**

**Report of the President on the activities of the Association in terms of clause 5-5(i) of the Code of Conduct of Business of the AOA.**

As per clause 5-5 (i) of the Code of Conduct of Business of the AOA, an annual report on the activities of the Association, including a report of the activities of the AOA Secretariat, was presented by the President before the Board.

2. The Report highlighted the following activities undertaken during the year 2009-10:

- a. Capacity building interventions like study tours, training secondments and retreats preceded smoothly as per the work plan.
- b. Knowledge products in the form of cross country studies and policy papers examining important themes and issues relating to Ombudsmanship were presented for further refinement.
- c. Website of the AOA Secretariat was further upgraded by making it more interactive and dynamic.
- d. Interaction with the Ombudsmen worldwide on issues of mutual interest.

3. The President emphasized on more concerted efforts and participation by the members on the followings;

- a. Knowledge sharing and dissemination through website and online links with other institutions.
- b. Enrichment of AOA library, through provision of annual reports, journals, research studies and other material.
- c. Organization of mutual study tours.

**Decision:**

The Board noted the progress and showed its satisfaction over the Association's performance during the last one year.

**Agenda Item No. 5**

(Carried over from 11<sup>th</sup> annual meeting of BoD)

**Progress on establishment of Knowledge Management Resource Centre through donor funding.**

The President briefed the members about the activities carried out under the RETA Project for the Knowledge Management Resource Centre, as summarized as follows:

1. **Survey**

A survey was conducted to identify the strong and weak areas of the member institutions. The survey report provided a comparative picture

of the mandates, jurisdiction and powers of the members' institutions, ways and means and methods adopted by them in providing relief to the complainants. A few of the best practices and innovative measures identified in the report are:

- i. Strong Political Will and Comprehensive Approach to Redressing Citizens' complaints (Hong Kong).
  - ii. Use of ICT to Expedite Processing of Complaints (South Korea; Thailand; Wafaqi Mohtasib Pakistan).
  - iii. Citizen Report Card: The Philippines; WM (Pakistan); Public Affairs Office, Bangalore (India).
  - iv. Administrative Counseling system (Japan).
  - v. Corruption Vulnerability and Resistance Assessments (The Philippines).
  - vi. Quality Management System (Malaysia, Hong Kong).
  - vii. Networking and Civil society engagement (Malaysia, The Philippines, Japan, Pakistan).
  - viii. Children Service (Wafaqi Mohtasib Pakistan).
2. **Capacity building activities.**

Four activities namely study tours, training, secondments and retreats were planned to enhance capacity building of the members.

- Four **study tours** were conducted in South Korea, Malaysia, Japan and Philippines.
- A **training programme** was organized at Bangkok.
- Five **secondment programmes** were hosted by Hong Kong, Pakistan, South Korea, Philippines and Malaysia.
- One retreat was organized at Malaysia.

3. **Knowledge Products.**

Six **cross country studies** were completed, the details of which are as follows:

- i. Defining the Concept and Role of Ombudsman Institution in Asia: Prof. R.R. Jha, Department of Political Science, Hindu University of Banaras, India.
- ii. Independence of the Ombudsman: Prof. Muhammad Waseem, Lahore University of Management Sciences, Lahore, Pakistan.
- iii. Role of the Ombudsman in Improving and Maintaining Public Service Delivery with a Focus on Decentralized and Outsourced Public Service Delivery: Prof. Alexander Brillantes, University of The Philippines.
- iv. Measuring Ombudsman Performance – Setting Performance Standards and Indicators: Dr. Andre Marin, Ombudsman Ontario.
- v. Ombudsman and Stakeholders’ Engagement for Improved Service Delivery: Prof. Carlos W.H. Lo, Department of Management and Marketing, Hong Kong, Polytechnic University.
- vi. The Role of Ombudsman in Improving Public Service Delivery in Pakistan, Dr. Tariq Hussain (Pakistan).

4. **Up-gradation of AOA Website.**

AOA website has been completely reviewed and developed into a dynamic, interactive and user-friendly electronic facility with the following features;

- i. Facilitates on-line access to all members to latest news, information, and knowledge products relevant to the field of Ombudsmanship.
- ii. Presents a business model.
- iii. Has a language translation facility.
- iv. Presents a high content management system.
- v. Has an online collaborative management tools.
- vi. Has internal search facility.

The new AOA website not only meets the above mentioned objectives but also provides a portal for online discussions on important issues raised by the visitors.

5. **RETA Regional Conference**

A conference under the Project was held from 24<sup>th</sup> and 25<sup>th</sup> August, 2010 at Manila, Philippines. The conference was attended by delegates from the AOA members and other institutions.

2. The President informed the members that on conclusion of the Conference he met the Director General ADB who expressed his satisfaction on the successful completion of the RETA Project and assured that in future as well ADB will continue to support the Association in achieving its objectives of promotion of the concept of Ombudsmanship and encourage its development in the Asian region.

**Decision:**

The Board showed its satisfaction over the successful completion of the RETA project and appreciated the leading role of the President in particular and of the AOA Secretariat and RETA team in general at all stages of the program including conceptualization, negotiation and implementation. The BoD hoped that ADB and other donor agencies in future will continue to support and assist the Association in implementation of such programs. It was also emphasized that members will continue to share the knowledge and lessons learnt through the program activities.

**Agenda Item No. 6**

**Consideration of applications for membership of the AOA from:-**

- i. The Institution of the Human Rights Defender of the Republic of Armenia.  
(Associate Membership)
- ii. The Lok Ayukta (Ombudsman), Government of National Capital Territory of Delhi, New Delhi, India.  
(Full Membership)

The Offices of the Institution of the Human Rights Defender of the Republic of Armenia and the Lok Ayukta (Ombudsman), Government of National Capital Territory of Delhi, New Delhi, India had applied for Associate Membership and Full Membership respectively. The Executive Committee of the Board while considering

the working papers prepared by the AOA Secretariat recommended to the Board of Directors to accept both the applications.

**Decision:**

- i. The Board of Directors accepted the application of the Office of the Institution of the Human Rights Defender of the Republic of Armenia for the Associate Membership of the AOA, subject to payment of the membership processing fee.
- ii. The Board of Directors also approved to recommend to the General Assembly to accept the Full Membership application of the Office of the Lok Ayukta (Ombudsman), Government of National Capital Territory of Delhi, New Delhi, India.

**Agenda Item No. 7**

**Performance assessment of the Manager Coordination.**

The President AOA briefed the Board about the assignments completed the Manager Coordination during the last year.

**Decision:**

The Board showed satisfaction over the performance of the Manager Coordination and appreciated her achievements and observed that in future there is no need to bring this item on the agenda of the BoD meeting.

**Agenda Item No. 8**

**Audit report of the AOA accounts.**

The Treasurer AOA placed the audit reports prepared by M/s A Z & Co. for the period 1<sup>st</sup> January to 31<sup>st</sup> December, 2009, before the Board of Directors.

**Decision:**

The Board approved the placement of the audit reports before the General Assembly and also showed its satisfaction on the financial position of the Association.

### **Agenda Item No. 9**

#### **Investment and use of AOA Funds**

The Executive Secretary informed the BoD that in its last meeting the Board decided that:

“Issue regarding use/ investment of funds will be placed before the next BoD meeting after clarification on (i) Whether there was any bar by the ADB on incurring expenditure for Hong Kong, Japan and Korea, under the RETA Project (ii) The President AOA may consult with Macao and Yemen whether they will participate in the RETA project activities by incurring expenditure from their own resources”.

2. It was observed that on successful conclusion of the RETA Project, there was no plan in the offing through which the AOA funds could be utilized except the routine annual budgeted expenditure. Therefore, the Board may consider the proposals to utilize and invest the surplus funds with a present balance of US\$192,814/-.

- (ii) A provision be made for recurrent expenditures for three years (using actual expenditures of 2009 as a benchmark), and provide an increase of 10% on these expenditure. This translates into setting-aside approximately 50,000 US\$ for next three years.
- (iii) The balance funds be made available for members for use on specific initiatives pertaining to institutional development of the new members for adopting the best practices learnt from the RETA activities.
- (iv) Surplus funds may be invested in a term deposit account for one year which would yield a maximum return with a minimum risk.

3. Detailed discussions were held on the issue and consensus was developed on the following points:

- Funds should be used for launching the programs and activities furthering the objectives of the AOA including learning and adopting best practices identified in the survey conducted under RETA Project through training programs.
- The training program should preferably be held jointly for member countries.
- AOA publications such as investigation manuals, annual publications and occasional papers may be funded from AOA funds.
- Funds may also be used for development of websites for the member institutions which need resources for the purpose.

**Decision:**

It was decided that:-

- (i) Funds will not be invested in any financial instruments.
- (ii) AOA Secretariat may draft a working paper for the next Board meeting containing proposals for utilization of funds in the light of points that emerged in the discussions held and a consensus be developed for effective utilization of the available funds.

**Agenda Item No. 10**

**12<sup>th</sup> AOA Conference, scheduled to be held in May 2011 at Tokyo, Japan.**

- a. Theme and Sub themes of the conference.**
- b. Speakers and panelists of the Conference.**

In the light of proposals received from the member institutions, the AOA Secretariat proposed the following Themes and Sub-Themes for the 12th AOA conference.

**Theme:**

“Challenges for the Ombudsman in a Changing Socio- Economic Environment”.

**Sub-Themes:**

- i. Targeting Root Causes of Systemic Dysfunction
- ii. Improvement in the Advocacy and Outreach Strategy in Protecting the Vulnerable Segments of the Society
- iii. The Role of Ombudsman in Decentralization out-Sourcing and Public Private Partnership.
- iv. The Fundamental Right of the Citizens Pertaining to Access to Information.
- v. Challenges Faced by the Young and the Aging Population in a Changing Demographic Structure.

2. The Board deliberated upon the proposals suggested by the AOA Secretariat along with new proposals tabled by Mr. Valiullah Khobreh, Vice President, General Inspection Organization, Islamic Republic of Iran, Mr. Suguru Shiraiwa Director, Administrative Evaluation Bureau, Japan and Dr. Tam Weng Wah, Director General, Public Complaints Bureau, Prime Minister's Department, Malaysia.

**Decision:**

The decision about the theme & sub themes for the forthcoming 12<sup>th</sup> AOA conference and key note speakers/panelist and invitations to them was left to the Administrative Evaluation Bureau (AEB), Japan as host of the conference who may seek help and guidance from the Executive Committee of the Board and may work closely with the AOA Secretariat for timely decision in the light of above discussions and proposals. It was also emphasized that enough time should be made available to the keynote speakers and panelists for preparation of their presentations.

**Agenda Item No. 11**

(Carried over from 11<sup>th</sup> annual meeting of the B.O.D)

**Discussions on the proposals submitted by the General Inspection Organization, Islamic Republic of Iran.**

While deliberating upon the proposals floated by the General Inspection Organization, Islamic Republic of Iran, the Board in its last year meeting observed that the Regional Technical Assistance Programme addressed a number of the proposals made and the AOA Secretariat could examine the remaining proposals and place them formally before the Board.

2. The Executive Secretary presented the comments and the suggested actions of the AOA Secretariat on the proposal submitted by the General Inspection Organization, Islamic Republic of Iran, for consideration of the Board. The Board noted the observations and comments of the AOA Secretariat against the proposals no. (i) (iii) (vi) (v) (vi) (vii)(viii) &(ix).

3. Detailed discussions were held on the proposals no. (ii)&(x) on the issues of creation of an academy under the aegis of the AOA and establishment of an office of a cultural group in Iran, with respect to objectives, structure, services and the expenditure.

**Decision:**

- i) No further action was called for on proposals no. (i) (iii) (vi) (v) (vi) (vii)(viii) &(ix).
- ii) The General Inspection Organization, Islamic Republic of Iran was requested to submit comprehensive working papers for the BoD on the proposal no.(ii)&(x) elaborating the objectives, structure, services and the expenditure to be incurred, to the Board for consideration and appropriate decision in its next meeting scheduled in May 2011 at Tokyo, Japan.

**Agenda Item No. 12**

**Consideration of applications for membership of the AOA from:-**

- i. The Lok Ayukta (Ombudsman), Andhra Pradesh, India.**
- ii. The Institution of the Public Defender of Georgia.**

The Offices of the Lok Ayukta (Ombudsman), Andhra Pradesh, India and the Institution of the Public Defender of Georgia had applied for Full Membership and Associate Membership respectively. The Executive Committee of the Board while considering the working papers prepared by the AOA Secretariat recommended to the Board of Directors to accept both the applications.

**Decision:**

- i. The Board of Directors approved to recommend to the General Assembly to accept the membership application of the Office of the Office of the Lok Ayukta (Ombudsman), Andhra Pradesh, India for the Full Membership of the AOA.
- ii. The Board of Directors also accepted the membership application of the Institution of the Public Defender of Georgia for Associate Membership of the AOA subject to remittance of application processing fee and examination by the Executive Committee whether provision regarding the security of tenure of the Public Defender was ensured in the respective law.

**Agenda Item No. 13**

**Award of honorary membership of the AOA to Mr. Javed Sadiq Malik, President AOA**

Mr. Javed Sadiq Malik, Ombudsman of Pakistan held the office of President of AOA from 28<sup>th</sup> October, 2006. He is going to retire from the office of Federal Ombudsman Pakistan on 27<sup>th</sup> October, 2010. During his tenure as President of the AOA, he significantly contributed to the Association in achieving its objectives, especially, in enhancing the cooperation between the AOA and the Asian Development Bank through whose efforts the RETA project had been conceptualized, negotiated and implemented. In view of his valuable services, Mr. Alan N. Lai, Ombudsman, Hong Kong, SAR China proposed to grant him

Honorary Life Membership under article 5(3) of the Bye-Laws of the AOA. Further, Mr. Valiullah Khobreh, Vice President General Inspection Organization, Islamic Republic of Iran, proposed that in view of the valuable services rendered by Mr. Javed Sadiq Malik, for cause of ombudsmanship he may be invited to attend the 12<sup>th</sup> conference on AOA expense.

### **Decision**

The Board unanimously approved both the proposals and granted Honorary Life membership of AOA to Mr. Javed Sadiq Malik, Ombudsman of Pakistan and President AOA and invited him to attend the 12<sup>th</sup> AOA conference scheduled to be held in May, 2011 at Tokyo, Japan.

### **General**

The Board placed on records its appreciation and gratitude for the immaculate arrangements for the regional conference and the generous hospitality extended by Madam Merceditas N. Gutierrez, National Ombudsman, Philippines, the Asian Development Bank and their staff.

## **LIST OF PARTICIPANTS**

### **12TH ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE AOA 26<sup>th</sup> AUGUST, MANILA, PHILIPPINES**

#### **PRESIDENT**

Mr. Javed Sadiq Malik, Wafaqi Mohtasib (Ombudsman), Pakistan.

#### **VICE PRESIDENT**

Madam Mercedes N. Gutierrez, National Ombudsman, Philippines.

#### **SECRETARY**

Mr. Alan N. Lai, Ombudsman, Hong Kong, SAR China.

#### **TREASURER**

Mr. Jae Choong Lee, Standing Commissioner, Anti Corruption and Human Rights Commission, Republic of Korea.

#### **MEMBERS**

Mr. PAN Xuanmin, Deputy Director General, Ministry of Supervision, Peoples Republic of China.

Mr. Valiullah Khobreh, Vice President, General Inspection Organization, Islamic Republic of Iran.

Mr. Suguru Shiraiwa, Director, Administrative Evaluation Bureau, Japan

Dr. Tam Weng Wah, Director General, Public Complaints Bureau, Prime Minister's Department, Malaysia.

Professor Siracha Charoenpanij, Ombudsman, Thailand

#### **EXECUTIVE SECRETARY**

Mr. Tauqir Ahmad Faiq, Secretary, W. M. Secretariat, Pakistan.

#### **ADMINISTRATOR**

Mr. Abdur Rauf Khan, Director, W. M. Secretariat, Pakistan.