

**MINUTES OF
15TH ANNUAL MEETING
OF THE BOARD OF DIRECTORS
OF THE ASIAN OMBUDSMAN ASSOCIATION (AOA)**

Date 7th October, 2013

Venue: Tehran, Iran

List of participants is attached.

Mrs. Panit Nitithanprapas, Chief Ombudsman, Thailand and the Acting President, AOA, chaired the meeting. In her opening remarks, she welcomed all members. Minister, Ministry of Supervision, People's Republic of China, Director General, Administrative Evaluation Bureau, Ministry of Internal Affairs, Japan and Director General, Public Complaints Bureau, Prime Minister's Department, Malaysia could not attend the meeting and were represented respectively by H.E. Mr Zhang Lijun, representative from the Minister of Supervision of the Republic of China, H.E. Mr. Kenji Tanabe, representative of Administrative Evaluation Bureau of Japan and H.E. Mr. Mohd. Nazri Ismail, representative of Public Complaints Bureau, Malaysia.

Agenda Item No. 1

Approval of the agenda for the present (15th) annual meeting of the Board of Directors of AOA.

The Executive Secretary 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. 2

Approval of the minutes of the last (14th) meeting of the Board of Directors held in Baku, Azerbaijan on 19th June, 2012.

The Executive Secretary requested the Board to consider and confirm the minutes of the 14th annual meeting of the Board meeting held on 19th June, 2012.

Decision:

The minutes were approved.

Agenda Item No. 3

Implementation Report on decisions of the last (14th) annual meeting of the Board of Directors.

The Executive Secretary presented the Implementation Report on the decisions taken in the last meeting of the Board.

The Board reviewed the progress in detail and noted the following:

- *No action required on Agenda items' 1, 2, 3 & 11.*
- *Agenda item no. Agenda item No. 4, 5, 6 & 7. The issues were being discussed in current meeting.*
- *Agenda item No.8 All concerned have been informed and membership roaster has been updated accordingly.*
- *Agenda item No.9. The recommendations of the BoD regarding Audit reports 2011 and 2012 were being placed before the General Assembly in its meeting scheduled on 9^h October, 2013.*
- *Agenda item No.10. The Audit report of the accounts for the year 2011 is being placed before the BoD during current meeting. Details of expenditures had been circulated.*
- *Agenda item No.12 (1). No action was required. No.12 (2). No further transaction has been made from the AOA accounts.*

Decision:

The Board showed its satisfaction over the implementation status of the decisions taken in the last meeting.

Agenda Item No. 4

Elections for the post of President and any other vacancy. (Carried over from previous BoD meeting)

During the 12th meeting of the General Assembly of AOA held on 8th December 2011, in Numazu Japan, while holding the elections of the office bearers of AOA it was resolved that;-

- “(a) if the Wafaqi Mohtasib (Federal Ombudsman) of Pakistan is appointed by 31st May 2012, he or she shall be invited to be the President of AOA; and
- (b) if no person is appointed to the post of Wafaqi Mohtasib (Federal Ombudsman) Pakistan by 31st May 2012, or if the Wafaqi Mohtasib declines the invitation, the BoD shall determine how the post of the President of AOA is filled.”

2. Since by the target date set by the General Assembly, no Wafaqi Mohtasib (Federal Ombudsman) Pakistan was appointed, therefore, the Board in its 14th meeting unanimously agreed to appoint Mrs. Panit Nitithanprapas, Chief Ombudsman, Thailand as the President of AOA, until the General Assembly meeting in 2013, in the Islamic Republic of Iran, where the elections for the post of President and any other vacancy were to be held.

3. The Bye Laws and Code of Conduct of AOA were silent about the procedure of the election of the one position of the Board; therefore, the Board took up this issue as carried over agenda item from previous BoD meeting. The Board deliberated upon number of proposals put forward by the members including postponement of the elections till the General Assembly pass the proper amendments in Bye Laws and Code of Conduct to deal with the peculiar situation.

Decision:

The Board agreed to recommend to the General Assembly, to appoint Mrs. Panit Nitithanprapas, Chief Ombudsman, and Thailand as the President of AOA, whose term will last until the General Assembly meeting in 2015. However, since no consensus was developed on the method of filling the vacant position of the Vice President, therefore, it was decided to leave the issue to be considered by the General Assembly in its meeting scheduled on 9th October 2013 and decide accordingly. Further, it was also decided that the AOA Secretariat, initiate the process for appropriate amendments in the Bye Laws and Code of Conduct of AOA to deal such situation in future.

Agenda Item No. 5

Consideration of proposals received from members on amendment in Bye-Laws of the AOA to remove discrimination in the voting rights of the full members of the Association.

The motion tabled by the Federal Tax Ombudsman, Pakistan before the General Assembly in its 12th meeting, allowing all full members to have voting rights, did not carried and was rejected. And it was decided that the motion/proposal be processed by the AOA Secretariat according to the Bye-laws and Code of Conduct of Business of AOA. Accordingly comments and proposals from the member institutions were invited and response received is as follows:

The Ombudsman of Hong Kong/Secretary AOA

“...amend the Bye-laws so that all full members shall be eligible to stand for election to the Board of Directors, but only those full members with voting rights shall be allowed to nominate and to vote...”

The Director General, Administrative Evaluation Bureau, Japan

“...the voting rights of founding members should not be infringed. Therefore, I disagree with the first and the second proposal. Third proposal is acceptable but we need to have further discussion to decide the minimum number of Full members required to give more one additional vote to a country because proposed requirement of “five or more Full Members” seems un-logical. In addition, we should consider about fairness among non-Founding Full members in the countries that have two or more these members. In this context,

in a country that has two or more voting rights by the application of the third proposals, the additional vote should be cast collectively by all non-Founding Full Members...”

*The Chairperson, Anti-Corruption and Civil Rights Commission,
Republic of Korea*

“... it is the best way that the AOA adopts the principle of ‘one country one vote’ as well as that a country having more than one full members of AOA shall exercise this vote on the basis of a majority of its members...”

Director General, Public Complaints Bureau, Malaysia

“...Malaysia believes that the ‘one country one vote’ proposal as the best way forward to further improve, in particular, the voting arrangement being practiced in AOA currently, and the overall AOA management in general. An AOA member from a country that has more than one Member in AOA shall exercise this vote on the basis of it having secured a majority support or consensus from other Members representing that particular country.

This arrangement will also ensure each member country has the voting right and the right to be elected especially as Board Member of AOA. It is also in accordance with the voting system practiced within the United Nations system and other governmental multilateral organizations which is based on ‘one country one vote’ principle...”

Banking Mohtasib (Ombudsman) Pakistan

“...Keep the voting rights of ‘Founding Members’ intact but allow one additional vote to a country having five or more ‘Full Members’. The additional vote again shall be cast collectively by all the Full Members...”

Yet, the following other proposals have been moved by the General Inspection Organization Iran for amendment in Bye Laws of AOA.

1. For the purpose of updating the objectives of the Association based on the objectives that IOI is seeking specifically the ones stipulated in Wellington Declaration in 2012 and also encourage other institutes to become AOA members it is proposed to amend the objectives of AOA stipulated in article 4

“- Providing assistance for efficient and effective prevention and combat against corruption.
- Strengthening citizen’s rights.”

2. For the purpose of attracting more members it is proposed by the General Inspection Organization to add more agencies including Anti Corruption Agency Human Rights Commissioner and General Inspectorate to Article 5 Paragraph 1 as:

“A full member shall be a person holding the office of Ombudsman, Parliamentary Commissioner, Minister of Supervision, Commissioner for administrative complaints, General Inspectorate, Anti Corruption Agency, Human Rights Commissioner and any office or organization known by any designation.....”

Decision:

After a detailed discussion, it was agreed that the consultation process should continue and the Secretariat should seek the views of other AOA members on this issue including the issue of proper amendment in Bye Laws and Code of Conduct to deal with the peculiar situation faced by the members for election of the President. It was decided the AOA Secretariat may invite the members to become part of the sub-committee constituted for the purpose who will finalize draft recommendations in the light of proposals received from the members, for consideration by the Board in its next meeting

Agenda Item No. 6

Consideration of proposal of General Inspection Organization, Islamic Republic of Iran for establishment of an academy in Iran.

(Carried over from previous Board meeting)

While considering the working paper on the proposal moved by the General Inspection Organization Islamic of Iran, elaborating the objectives, structure, services and the expenditure to be incurred, the BoD in its 14th meeting after a detailed discussion, decided that the visit of the members, to the proposed site for the academy be made as a side programme of the 13th AOA Conference and General Assembly in 2013, before the issue may be further deliberated upon and decided accordingly.

Decision:

Since, the General Inspection Organization Islamic of Iran, as a host already finalized the program regarding inauguration of the proposed academy beside the conference program, therefore, it was decided that the subject academy may commence its functioning for training of the Ombudsman and like institution's staff of the Islamic Republic of Iran and also the other institution of the Asian region may send their staff for trainings. However, in the meanwhile the AOA will continue to closely review the development and performance of the Academy and decide accordingly in due course to provide its patronage and funding.

Agenda Item No. 7

Use of AOA Funds

(Carried over from 13th annual meeting of the Board)

In its last Meeting held the Board while considering and discussing the working paper prepared by the AOA Secretariat on the objectives, methodology, source of financing and supervising mechanism, for the programme on utilization of AOA funds, the Board agreed with the proposal of the AOA Secretariat in principle. However, it was decided

that the AOA Secretariat pursue the 2nd RETA Project with the Asian Development Bank (ADB). In case ADB agreed to finance the Project, AOA funds would be made available for other activities. It was also decided that the position on the issue be reviewed in the current meeting. Mrs. Panit Nitithanprapas, President of AOA informed that no response has been received from the ADB in funding and approval of the 2nd RETA Project.

Decision:

It was agreed that the efforts would be continued by Mrs. Panit Nitithanprapas, to liaise with ADB to seek their support in launching another RETA Project and that the issue be further reviewed in the next Board meeting.

Agenda Item No. 8

Consideration of applications for membership of the AOA from:-

- i Office of the Federal Ombudsman for Protection Against Harassment of Women at Workplace, Pakistan**
- ii. Office of the Ombudsman for Protection Against Harassment of Women at Workplace, Sindh, Pakistan**
- iii. Office of the Financial Ombudsman Sri Lanka for associate membership**

Applications were received from the Office of the Federal Ombudsman for Protection against Harassment of Women at Workplace, Pakistan and Office of the Ombudsman for Protection against Harassment of Women at Workplace, Sindh, Pakistan for full membership and the Office of the Financial Ombudsman Sri Lanka, for associate membership of AOA.

The AOA Secretariat drafted working papers for the Board to consider and recommend their proposals for the membership of the applicants, in terms of clauses 1-4 of the Code of Conduct. The review carried out by the AOA Secretariat concludes that under the existing criteria identified in the Code of Conduct all the three applicants are eligible for the membership applied.

Decision:

The BoD approved to recommend to the General Assembly to accept the full membership applications of the Office of the Federal Ombudsman for Protection against Harassment of Women at Workplace, Pakistan and Office of the Ombudsman for Protection against Harassment of Women at Workplace, Sindh, Pakistan for full membership and accepted the application of the Office of the Financial Ombudsman Sri Lanka, for associate membership of AOA.

Agenda Item No. 9

Audit report of the AOA accounts for the year 2012.

The draft audit report prepared by M/s W.A Associates, for the period 1st January to 31st December, 2012, was placed before the Board for consideration and approval. The Treasurer, Chairperson, Anti-corruption and Civil Rights Commission, Republic of Korea, introduced the report before the Board. The Treasurer also placed on record the financial position of AOA accounts, while showing his satisfaction and suggesting some measures to improve the financial base of income of the Association.

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. 10

Invitation and consideration of the proposals for hosting the Board meeting in 2014 and 14th AOA Biannual Conference in 2015.

The AOA Secretariat invited the members of the Association, for giving their option/consent for hosting next annual meeting of the Board of Directors in 2014 and 14th Conference of the AOA in 2015.

2. Anti Corruption and Civil Rights Commission Republic of Korea offered to host the next annual meeting of the BoD in 2014 in Seoul, Korea. However, no proposal/offer was received for hosting the 14th AOA Conference.

3. The Board of Directors considered the proposal for hosting the 16th the annual meeting of the Board and considered the position about 14th General Assembly meeting.

Decision:

The offer of the Anti Corruption and Civil Rights Commission, Republic of Korea to host the 16th annual meeting of the BoD in 2014 in Seoul, Korea was accepted with thanks. However, regarding offer to host 14th meeting of the General Assembly it was decided to continue the persuasion and consultation process and matter will be decided by the BoD in its next meeting.

Agenda Item No. 11

Approval of the arrangements for 13th AOA Conference and agenda of the General Assembly meeting scheduled from 7th to 10th October, 2013.

The arrangements made and the programme finalized by the host, i.e. General Inspection Organization Islamic Republic of Iran of the 13th AOA Conference along with the draft agenda for the 13th General Assembly were placed before the Board for approval.

Decision:

The Board approved the arrangements made and the programme finalized by the host, as well as draft agenda for the 13th General Assembly for discussion

Agenda Item No. 12

Any other items, which any member of the Board of Directors may like to discuss.

The 13th Asian Ombudsman Association Conference, to take place at Tehran, Iran from 7th to 10th October, 2013, could not be made possible without the whole hearted cooperation and support provided by the host country through General Inspection Organization Islamic Republic of Iran, and other departments of the Government of Iran. Accordingly, in recognition of the efforts and hard work of His Excellency Mr. Naser Seraj, the President, General Inspection Organization Iran, and Mr. Valiollah Khobreh, the Vice President, General Inspection Organization Iran, the Board would like to place on record its thanks and appreciation to Mr. Naser Seraj President, General Inspection Organization Iran, Mr. Valiollah Khobreh the Vice President, General Inspection Organization Iran, staff of his office and other departments of the Government of Iran for the warm hospitality and generosity extended to the delegates and participants.

LIST OF PARTICIPANTS
15TH ANNUAL MEETING
OF THE BOARD OF DIRECTORS OF AOA

7th October, 2013, TEHRAN, IRAN

PRESIDENT

Mrs. Panit Nitithanprapas, Chief Ombudsman, Thailand

SECRETARY

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

TREASURER

Mr. Sung Bo Lee, Chairman, Anti-corruption and Human Rights Commission,
Republic of Korea

MEMBERS

Mr. Mr Zhang Lijun, representative, Ministry of Supervision,
People's Republic of China

Mr. Naser Seraj, the President , General Inspection Organization,
Islamic Republic of Iran

Mr. Kenji Tanabe, representative of Administrative Evaluation Bureau of,
Ministry of Internal Affairs and Communications, Japan

Mr. Mohd. Nazri Ismail, representative, Public Complaints Bureau, Prime
Minster's Department, Malaysia.

Dr. Fong Man Chong, Commissioner, Commission against Corruption,
Macau, SAR, China

SECRETARIAT:

Mr. S.M Tahir Additional Secretary, Wafaqi Mohtasib Secretariat, Pakistan

Mr. Abdur Rauf Khan, Administrator, AOA Secretariat, Pakistan