

**18TH ANNUAL MEETING OF THE BOARD OF DIRECTORS OF
ASIAN OMBUDSMAN ASSOCIATION
Tokyo, Japan: 7th March, 2016**

MINUTES

The 18th Annual Meeting of the Board of Directors of Asian Ombudsman Association (AOA) was held on 7th March 2016 (1300 hours) at Keio Plaza Hotel, Tokyo. The meeting was presided over by the President AOA, Hon'ble Mr. Muhammad Salman Faruqi, Federal Ombudsman Pakistan. Mr. Abdul Khaliq, Executive Secretary of the Asian Ombudsman Association Secretariat, coordinated the meeting.

The delegations from the following countries participated in the meeting:

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| 1. | Pakistan | President |
| 2. | Azerbaijan | Vice President |
| 3. | Hong Kong
(Represented by Mr. So KamShing, Deputy Ombudsman) | Secretary General |
| 4. | Islamic Republic of Iran | Treasurer |
| 5. | Peoples Republic of China
(Represented by Mr. Liu Jianchao, Vice Minister of Supervision) | Member |
| 6. | Indonesia | Member |
| 7. | Japan | Member |
| 8. | Malaysia
(Represented by Mr. Ibrahim bin Ismail, Deputy Director General) | Member |
| 9. | Tatarstan | Member |

2. The Chair welcomed the participants on behalf of the AOA and appreciated Japanese hospitality for arranging the AOA Board of Directors meeting and other important events for the promotion of ombudsmanship in the Asian Region. He also thanked all the participants of the Association who graced various meetings held in Islamabad (Pakistan) in November 2015 and elected new members of the AOA Board of Directors posing their trust on them. He pledged to work hard for expansion and promotion of the Institution of ombudsman in the Asian Region.

3. Executive Secretary AOA briefed the participants on Agenda Items of the meeting adding that some Agenda Items have been incorporated from Minutes of the 17th BoD Meeting to address the observations of some Hon'ble Members made on the decisions recorded in the Minutes of the 17th Board Meeting held in Islamabad. The participants were told that sequence of the Agenda Items had also been revised in view of advice communicated by the Hon'ble Secretary AOA.

4. The meeting considered the Agenda Items and following decisions were taken:

Agenda Item-1

Approval of the Agenda for the present (18th) Annual Meeting of the AOA-BoD

Minutes:

The Executive Secretary apprised the Board that the AOA Secretariat received some observations from the Ombudsman Offices of Hong Kong, Japan, Republic of Korea and Thailand on Items 8, 9, 14, 19, 20 and 21 of the Agenda for 17th BoD meeting held in Islamabad. The Board was told, Mr. M. Salman Faruqui, President of the AOA, desired that the observations made by the Hon'ble Ombudsmen should be respected, irrespective of the fact that whether these are in conformity with the proceeding record of the meeting maintained by the Secretariat or not. Accordingly these items had been incorporated in the Agenda of 18th BoD meeting for reconsideration of the Board as items number 17, 7, 11 18, 19, and 12 respectively.

The Chair desired that these items be discussed first so that the reservations of the Hon'ble Members could be given priority before dealing with the other items. Therefore, these items were dealt first; however, their sequence has been preserved in the Minutes as per item numbers set in the Agenda.

The Chair invited the Board Members to offer their comments, if any, on the current Agenda

Decision:

In view of the above referred considerations, the Agenda was approved unanimously.

Agenda Item-2

Approval of the Minutes of the last (17th) Meeting of BoD held in Islamabad on 25th Nov 2015.

Minutes:

The Board was apprised that the items of 17th BoD Meeting (8, 9, 14, 19, 20 and 21) whereupon observations from some Hon'ble Ombudsmen were received, had been incorporated in the current BoD (18th) Agenda and all these items would be discussed in the current BoD meeting again.

The President AOA, therefore, desired that all concerns/reservations, even minor, would be addressed by discussing them one by one in the current Agenda.

Japan expressed its desire to thoroughly discuss the procedure of election for filling a seat when it falls vacant during the tenure of the Board.

The President briefed the participants regarding election procedure for filling the position(s) that fall vacant during term of the Board. The Secretariat will issue a letter stating that such and such position has fallen vacant requiring nominations duly seconded by other

members on line. During this process complete visibility and disclosure will be ensured. After appropriate scrutiny of the documents, the AOA Secretariat will call for the vote through reliable electronic means ensuring secrecy of vote cast as required under the rules.

After that, the President solicited views of the participants. China agreed in principle that there is no objection as long as ballots are kept secret and endorsed the electronic voting mechanism. Hong Kong offered its views that there must be a way to know who has been nominated and who seconded. Japan enquired that how IOI maintains secrecy and agreed that new rules can be inserted.

The Chair agreed that nominations would be sought, on line, giving complete disclosure of the nominated candidates, their proposers and seconders; however, the cast and count of vote would be kept secret with the AOA Secretariat.

Decision:

With the above stated considerations the minutes of 17th meeting were approved by the Board of Directors.

Agenda Item-3

Implementation Report on Decisions of the last (17th) Annual Meeting of the BoD

Minutes:

The Board observed that the implementation report had already been circulated to the members and appreciated that the observations given by the Members have been given due consideration, as discussed under items No. 1 and 2 above, and that the decisions are being implemented by the Secretariat.

Decision:

The Board expressed satisfaction on the Implementation Report.

Agenda Item-4

Future Arrangement for AOA Website

Minutes:

The Board was apprised that in the 17th Board Meeting, the remuneration for engaging website administrator, programmer and other technical staff was intended US\$ 1000 per month but erroneously the amount was recorded US\$ 1000 per annum. This amount is not adequate even per annum keeping in view market conditions for hiring a professional of the desired level. The Board, therefore, was requested that the word 'per annum' may be replaced with 'per month'.

Decision:

The Board unanimously approved US\$ 1000 per month for carrying out this activity.

Agenda Item-5

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 AOA

Minutes:

The Board was informed that as per clause 5-5(i) of the Code of Conduct of Business of the AOA the Report of the President for the year 2014-15 had already been circulated, now, therefore, stood presented before the Board for consideration. The Report on the Conference of AOA, held on 25-26th November 2015, was also presented to Hon'ble Members of the BoD.

Decision:

The Board considered and approved the Annual Report for the year 2014-15, presented by the President, on the activities of the Association. The Report on the Conference of AOA, held on 25-26th November 2015 at Islamabad, was also appreciated.

Agenda Item-6

Consideration of Application for Full Membership of the AOA from Jordan Ombudsman Bureau

Minutes:

The Board was briefed on the request for membership made by the Jordan Ombudsman Bureau and process adopted in terms of clauses 1- 4 of the Code of Conduct of Business, and as a result of required scrutiny by the AOA Secretariat, the application was recommended for approval of the Board and approval for placing it before the General Assembly.

Decision:

The BoD unanimously approved the proposal and agreed to place it before the next General Assembly.

Agenda Item-7

Review of the Development and Performance of the Academy established by the General Inspection Organization, Iran

Minutes:

The Board was apprised on the efforts, made so far, for constituting the Group for Review of development and performance of the Academy established by the General Inspection Organization (GIO), Iran. The participants were informed that Hong Kong had already declined to head the Group while such offer made to Thailand was yet to be responded.

Now, in the meeting, President AOA requested Indonesia to head the Group for Review of development and performance of the Academy. Iran proposed this position for China. After long discussion, China agreed to assume this responsibility.

Decision:

The BoD unanimously approved the Group comprising China (Chairman), Indonesia and Tatarstan for Review of development and performance of the Academy established by GIO, Iran.

Agenda Item-8

Use of AOA Funds and Resource Mobilization for AOA

Minutes:

The Chair apprised the Board on the efforts made to approach Asian Development Bank (ADB) for some financial assistance to AOA as detailed in the Working Paper. The Chair also solicited Japanese support to secure funds from ADB. However, Hon'ble Ombudsman Japan showed constraints in this regard and advised that such efforts will be more appropriate at the Association level.

Decision:

It was agreed that members of the BoD would make efforts directly to the financial institutions to secure funding for their respective countries and, if feasible, for the AOA as well.

Agenda Item-9

Approval of the Audit Report of AOA Accounts for the year 2015

Minutes:

The Board was apprised that the Audit Report for the year 2015 had already been circulated as Annex-I of the Working Paper, now, therefore, stood presented before the Board for consideration.

Decision:

The Board considered the Audit Report for the year 2015 and approved it without any observation.

Agenda Item-10

Approval of TORs of Manager Coordination in AOA Secretariat

Minutes:

The Board was apprised that a change in the proposed TORs was suggested by the Secretary AOA, Hon'ble Ms. Connie Lau, Ombudsman Hong Kong. The suggestion was recommended for approval and ToRs to be amended accordingly.

Decision:

The TORs were approved unanimously with the amendment suggested by the Secretary AOA.

Agenda Item-11

MOU between AOA and IOI

Minutes:

The Board was apprised on this pending issue. China's concerns were appreciated by the Members. Hon'ble Mr. Liu Jianchao, Vice Minister, Ministry of Supervision of China appreciated AOA and IOI cooperation; however, he expressed his country position on the Taiwan issue which cannot be compromised. He mentioned that IOI was aware that Taiwan should not be regarded as representing China. Like the UN, it should also consider 'Peoples Republic of China' as the only country under the name of China. There can be no compromise on the national policy of 'One China'. Therefore, this matter may not be discussed until IOI changes its policy on 'One China'.

Iran agreed with China. Hong Kong also supported China's position. The President AOA, Hon'ble Mr. M. Salman Faruqi, offered invitation to the Hon'ble Vice Minister China to attend IOI meeting in the afternoon (7th March), where President and Secretary General IOI would be present and matter be discussed with them to expedite decision on the Chinese pending request.

Hon'ble Mr. Liu Jianchao attended the subsequent IOI meeting held on 7 March 2016 and presented his case. The President and Secretary General explained their point of view briefly and suggested to meet again on the next day in an exclusive meeting for further discussion.

Accordingly, the President AOA chaired a luncheon meeting on 8th March in the Keio Plaza Hotel which was attended by the delegates from Thailand, Iran, Azerbaijan and Pakistan. It was suggested by the Chair that Taiwan may continue as member IOI like Hong Kong and People's Republic of China may enroll as sole representative country which is in line with 'One-China' policy. The President and Secretary General of IOI agreed to expedite China's request and discuss it at on appropriate level to reach some solution of the stated issue at the earliest.

Decision:

With the above deliberations on record, the item was deferred by the Board.

Agenda Item-12

Proposal to grant AOA Honorary Life Membership

Minutes:

Hong Kong proposed honorary life membership for former AOA President and Chief Ombudsman of Thailand, Mrs. Panit Nitithanprapas.

Decision:

The Board approved unanimously the granting of honorary life membership to former AOA President and Chief Ombudsman of Thailand, Mrs. Panit Nitithanprapas.

Agenda Item-13

Islamabad Declaration

Minutes:

The Chair viewed that Islamabad Declaration is much delayed now. Japan, if so desires, may propose Japan Declaration based on today's meetings. China viewed that the declaration today would be in rush, therefore, may be deferred till next AOA Conference.

Decision:

The Board, considering the views preferred, dropped the point.

Agenda Item-14

Draft MoU between Federal Ombudsman of Pakistan and AOA.

Minutes:

As decided in the last General Assembly held in *November 2015 at Islamabad*, the draft MoU between Federal Ombudsman of Pakistan and AOA was circulated electronically. It had also been circulated among the Members along with the current working paper.

The Chair invited the comments of the Members

Decision:

The Board considered and approved proposal without any comments.

Agenda Item-15

Comparative statement of Minutes of the AOA Board of Directors Meeting

Minutes:

The comparative statement of minutes of the AOA Board of Directors (17th) meeting held on 25th November 2015 and the observations received thereupon was placed on the Agenda to address reservations of the Hon'ble Members. Since these matters had already been considered under Agenda items No.7, 11, 12, 17, 18 and 19, the Board felt not to discuss them, here again.

Decision:

The point was dropped from the Agenda.

Agenda Item-16

Amendment of section 6-6 of Code of Conduct of Business of the AOA

Minutes:

The Chair briefed the participants that AOA funds would be utilized under signature of Executive Secretary of AOA and a Senior Advisor appointed by the Federal Ombudsman

Pakistan; however, the President AOA would accord approval of expenditure before payment. Since the revised arrangement requires amendment of section 6-6 of the Code of Conduct of Business of the AOA, the approval of the BoD was sought.

Decision:

The Board considered and approved the amendment in section 6-6 of the Code of Conduct of Business of the AOA, enabling the Secretariat to revise the payment procedure as proposed.

Agenda Item-17

Approval of the Procedure of Election for any Vacancy falling Vacant during Tenure of the Board

Minutes:

In view of detailed discussion already held under Agenda Item No. 2, following procedure of election for any vacancy falling vacant during tenure of the Board was decided.

Decision:

The Board approved for consideration of the General Assembly that the Secretariat will issue a letter stating that such and such position has fallen vacant requiring nominations duly seconded by other members on line with full visibility and disclosure. After appropriate scrutiny, the AOA Secretariat will call for the vote through reliable electronic means ensuring secrecy of vote cast, in line with the conditions stipulated in the Code of Conduct of Business of AOA.

Agenda Item-18

Proposal for Board Members to finalize their Decisions via Electronic Communication

Minutes:

This matter was discussed as item No. 19 in the 17th BoD Meeting held in Islamabad on 25th November, 2015. Since, under the Bye-laws of the AOA, Board of Directors is to meet once in a year, many urgent matters remain unactioned waiting for next Board meeting. Secondly, BoD meeting is held just before the General Assembly, generally on the same date. The matters recommended by the BoD for General Assembly do not get adequate deliberations due to paucity of time. To overcome such constrains, electronic consent was proposed in item 19 of the 17th BoD Meeting. Some Hon'ble Members showed their reservation; therefore, the matter was brought in the current meeting for reconsideration of the BoD.

The Chair invited the views of the participants on the issue regarding placing the AOA decisions on the website and seeking consent through electronic means keeping in view the urgency, transparency and secrecy factors.

Hong Kong was of the view that dealing all the matters through electronic means is not appropriate, only selected issues should be placed on website and for taking decisions electronically some reliable system should be in place.

Hon'ble Ombudsman Iran supported the electronic voting and decision making mechanism.

Hon'ble Ombudsman Japan viewed that placing information on website and taking decisions through electronic means should be on case by case basis adding that first we have to define what does case by case basis mean.

On this point, Hon'ble Ombudsman Tatarstan emphasized that we work for common people and people should know what we are doing. Governments discuss laws/by-laws; drafts are placed on website for information and feed back of the public.

Hon'ble Ombudsman Azerbaijan also emphasized the importance of putting information on website and considered it a great idea. She also highlighted the significance of cooperation to strengthen the institution of Ombudsman for the common good of the people.

Indonesia proposed 30 days for electronic confirmation of decisions and suggested that failure to respond within time limit should be considered as abstention, not consent.

Hon'ble Ombudsman Japan viewed that time limit should not be restricted to 30 days for all cases; in certain cases time limit may need relaxation up to 60 days. It should be flexible on case to case basis.

The Chair observed that time limit may be 30 to 60 days depending upon request from the members.

The Chinese delegate stated that if any member country does not wish a matter to be discussed publicly it must be respected.

Decision:

The Chair summarized the decision of the Board that:

- (a) Only selected cases, with the approval of the President, should be sent to Members for seeking their opinion or vote through electronic means.*
- (b) The conditions of secrecy and adopting due process of scrutiny in cases of election should be observed in line with the Bye-laws and Code of Conduct of Business of the AOA.*
- (c) In case a Member does not want a matter to be discussed publicly, that member should spelt this out and the discussion should not be placed on website.*
- (d) Failure to respond within time limit should be considered as abstention.*

Agenda Item-19

Amendments proposed in by-laws

Minutes:

The Chair apprised the Board that the purpose behind the proposed amendments was to ease the procedure for becoming member of the AOA.

The participants were told that Philippines had agreed to revive its membership. Jordan had applied for membership and some Central Asian countries had also responded positively. India may also seek membership for the Delhi (central) Ombudsman.

The Chair also solicited views of the Members of the Board regarding tenure of the BoD, whether it should be four years or two years explaining that two years term may provide opportunity for new entrants and idea is to make AOA more dynamic organization.

Azerbaijan, China, Iran, Japan and Hong Kong (for stability purpose) voted for four years terms; while Indonesia, Malaysia, Pakistan and Tatarstan favored two years. The majority of members were for continuing the exiting terms of four years.

Decision:

The Board approved for the consideration of General Assembly the proposed relaxation of entry requirements for membership. As for the terms of the Board, it was decided that four years term should continue.

Agenda Item-20

Any other item which any member of the Board of Directors may like to discuss

Minutes:

- i. Japan proposed that procedure for election of directors should be streamlined. Information of nominated candidates, their proposers and seconders should be provided to all members well before the General Assembly meeting. Process of election should be transparent and procedure should be strictly followed.
- ii. Hon'ble Ombudsman Tatarstan extended invitation for holding the next meeting of the Board in Tatarstan in August, 2016.

Decision:

- i. *The Board decided to discuss Japan's proposal in General Assembly.*
- ii. *Tatarstan's invitation to host next Board meeting in Tatarstan in the month of August this year was accepted unanimously.*

5. The Chair thanked the participants for their valuable input and applauded the Japanese's Government, especially the Hon'ble Ombudsman Japan, for making excellent arrangements for AOA BoD Meeting, International Forum and Training Workshop for the promotion of ombudsman institutions in the Asian Region. He also appreciated the Hon'ble Ombudsman Tatarstan for extending invitation to host next BoD Meeting in Tatarstan.