

**19th Meeting of the Board of Directors
Asian Ombudsman Association**

Kazan, Republic of Tatarstan on 10th August, 2016 at 4:00 pm

MINUTES

The 19th Meeting of the Board of Directors (BOD) of Asian Ombudsman Association (AOA) was held on 10th August, 2016 at Kazan, Republic of Tatarstan. 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.

Following Members of the BOD participated in the meeting:

1	Mr. M. Salman Faruqi Federal Ombudsman, Pakistan	President
2	Professor Elmira Suleymanova Commissioner for Human Rights, Republic of Azerbaijan	Vice President
3	Ms. Connie Lau Yin-hing Ombudsman, Hong Kong	Secretary
4	Mr. Mohammad Hosein Mousapour Deputy Ombudsman, GIO, Islamic Republic of Iran	Treasurer
5	Mr. Hao Mingjin Vice Minister of Supervision People's Republic of China	Director
6	Mrs. Saburskaya Sariya Commissioner for Human Rights, Republic of Tatarstan	Director
7	Professor Amzulian Rifai Chairman, Office of the Ombudsman, Republic of Indonesia	Director
8	Mr. Toshimitsu Miyake Deputy Director General, AEB, Japan	Director
9	Mr. Jayaseelan Thirunavakarasu Head of Delegation, Malaysia	Director
10	Mr. Abdul Khaliq Chief coordinator, Federal Tax Ombudsman, Pakistan	Executive Secretary

2. The Chair welcomed the participants on behalf of the Association and appreciated Hon'ble Mrs. Saburskaya Sariya, Commissioner for Human Rights of Republic of Tatarstan for

extending grand hospitality and making excellent arrangements for hosting AOA Board of Directors Meeting and other important events for promotion of the ombudsmanship in the Asian Region. He also thanked senior leadership of the Republic and Russian Federation for their overwhelming interest and patronage for the success of Human Rights / Ombudsman Institutions. The whole Government appeared moved with the idea that this institution is hugely potent for bringing good governance and social justice to the humanity; this respect for the Institution was also reflected from the warm welcome extended to the delegates at all levels reaching to the apex marked by the personal affection shown by the Hon'ble President of Republic of Tatarstan in his meeting with the delegates.

3. Ms. Connie Lau, the Hon'ble Ombudsman Hong Kong, Secretary AOA, introduced the Agenda of the meeting and asked the Executive Secretary to proceed on the Agenda, item by item.

4. **The meeting deliberated on the Agenda Items and following decisions were taken:**

Agenda Item-1

Approval of the Agenda for the 19th (present) Meeting of the AOA Board of Directors

Minutes:

The Executive Secretary apprised the Board on the sequence of the Issues undertaken and the rationale for repeating some items from the previous meeting agenda. He also explained the layout of the supporting documents and power point presentation for the convenience of the Hon'ble Members.

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 (18th) Meeting of BOD held in Tokyo on 7th March 2016

Minutes:

The Board was apprised that fifteen observations were received from the Secretary AOA (Hon'ble Ombudsman Hong Kong) and all of them were incorporated in the Minutes before issue. However, six observations were received from Administrative Evaluation Bureau Japan after

issuance of the Minutes. Some of them were common to the observations received from Hong Kong, therefore, stood addressed. Two of them had been made part of the current Agenda.

The Member from Japan expressed his satisfaction on attending their observations. He however, pointed out that as per previous decision, waiting time for response on minutes should have been 30 days instead of 15 days. The Chair appreciated their view point and recapped the views of the Hon'ble Ombudsman of Indonesia in the last meeting whereby it was suggested that the waiting time for response should be extended from 30 days to 60 days upon request from some member(s). The Chair endorsed this viewpoint appreciating language problems that some colleagues might face during this process.

Decision:

In view of the above stated considerations the Minutes of 18th meeting were approved by the Board of Director with the proviso that the waiting time for response on the Minutes should be 60 days.

Agenda Item-3

Implementation Report on Decisions of the last (18th) Meeting of the BOD

Minutes:

The Board was apprised on implementation of the decisions taken in the last (18th) Meeting of the BOD. Implementation Report, which had already been circulated to the Members, was discussed point by point.

On Agenda Item 4, the Secretary AOA enquired about the progress. The Board was apprised that applications have been received for the post of website administrator/ programmer and selection will be made on merit through open competition after approval of the Secretary AOA.

On Agenda Item 10, the Board was apprised that the AOA Secretariat was trying to find out a suitable person for the appointment of Manager Coordination; however, for the time being his work is being managed by a senior officer of the Federal Ombudsman Secretariat Pakistan without any financial liability to the Association.

On Agenda Item 18, the Secretary AOA referred to a decision of the BOD, "*In case a Member does not want a matter to be discussed publicly, that member should spell this out and the discussion should not be placed on website*". She suggested and the meeting agreed that the Secretariat should prepare a standard reminder for circulation to Members whom should, in

response explicitly mention that such and such information, related to them, not be placed on the web.

Decision:

The Board expressed its satisfaction on the Implementation Report; however, desired to prepare a working paper on the BOD decisions requiring ratification of the General Assembly in its next session.

Agenda Item-4

MoU between AOA and IOI

Minutes:

The Board had discussed this issue in the Tokyo Meetings. The matter had also been discussed at IOI Asian Region and Luncheon meetings, which were attended by the President and Secretary General of IOI. It had been agreed that IOI, like the UN, should also consider 'Peoples Republic of China' as the sole country under the name of China. There could be no compromise on the national policy of 'One China'. Therefore, this matter should not be discussed until IOI changes its policy on 'One China'.

The President and Secretary General of IOI had also agreed to expedite China's request and discuss it at an appropriate level to reach some solution of the stated issue at the earliest. Subsequently, responding to the follow up of AOA Secretariat the IOI President informed that the views of AOA, especially China, had been conveyed to Taiwan Control Yuan and their response was awaited.

The President apprised the Board on the perspective of the issue. He mentioned why China's consent was important before signing the proposed MOU and suggested that the response of Taiwan should be awaited till Bangkok Conference. The President hoped that both China and Taiwan would be present there, where the matter could be taken up and the MOU would be signed only if China would approve it. If positive response from Taiwan, as well as IOI, is received before the Bangkok Conference the message would be sent to China for its consent. If China satisfied with the proposed arrangement, the MOU would be signed in Bangkok, otherwise not. The President said that IOI had been clearly told that there was no way that a country representing 1.4 billion people could be simply ignored.

The Secretary AOA appreciated the stance taken by the President for the resolution of the longstanding issue and desired that the MOU should not be signed until China agrees to it. She

further suggested that, in case positive response is not received from IOI, the issue should be shelved until the positive outcome is ensured as the issue had been discussed many times at the AOA Board meeting. China also endorsed this view and mentioned that if no positive response is received from IOI, the item should not be placed in the agenda of AOA Board meeting any more. They went on to say that they might not go to Bangkok as they are not a member of the IOI. The Chair further re-iterated that where and when ever this MOU is to be signed it would be signed only with the consent of China and China may be invited to attend the signing ceremony.

Decision

The response of the IOI will be awaited. The matter will be taken up when positive response is received from the IOI and the MOU will be signed only if China agrees to it. If response from the IOI is received well before the Bangkok Conference and positive, the message will be sent to China for its consent. If China is satisfied with the proposed arrangement, the MOU could be signed possibly in Bangkok, otherwise not. However, in case positive response is not received from Taiwan / IOI well before the Bangkok Conference, the issue will be shelved and should not be placed on the AOA agenda any further.

Agenda Item-5

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

Minutes:

The Board approved this proposal in Tokyo 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.

Japan, in its subsequent observations on the Minutes of the Tokyo AOA BOD Meeting, stated that “Result of the vote including count of vote must be disclosed for the transparency of the election”.

AOA Secretariat gave its view that there was no difference of opinion between the Secretariat and Japan; the observation made by Japan is in line with the decision of BOD taken in the last meeting held in Tokyo and also in conformity with the Code of Conduct of Business of AOA. To further clarify the position, the Executive Secretary explained the rule position that

there are three parts of the election process. First part is the “nomination and seconding”. It should be transparently handled and its details should be known to Members and required approval of the Executive Committee should be sought. Second part is the cast of vote i.e. who gave vote to whom. This part cannot be let open to ensure secrecy of vote cast, in line with the conditions stipulated in the Code of Conduct of Business of AOA. Third part is the count of the vote and results of the elections i.e. how many votes Mr. X got, should be clearly explained and the necessary record should be accessible to the Members. Japan was satisfied on this explanation.

Whilst on this, the Secretary AOA, stressed that we should ensure that the proposed procedures on electronic means should be totally in line with the Code of Conduct, or else revision on the Code is necessary. Moreover, suitable monitoring on the election is required. According to the code of conduct:

- (a) nomination papers should be scrutinized by the Executive Committee and;
- (b) there should be a Presiding officer, who is the most senior member but not a candidate for any position, overseeing the election.

The Executive Secretary should draw up for the Board’s consideration a new set of election procedures to cover election through electronic means. The Chair assured that the mechanism will be secret and protected and President may be trusted for this part of information.

Japan also took strong view in ensuring transparency of the whole election process, especially emphasizing on (i) disclosure of the result of the vote “including count of vote”, (ii) ensuring the confirmation of the eligibility for nomination through scrutiny by the Executive committee, and (iii) procedure when some candidate run for two or more positions needs to be considered for inclusion in the Code of Conduct of Business of AOA. These proposals were supported (circulated in the BOD Meeting) by the Japanese delegation through a letter dated 08 August 2016 addressed by the Director General AEB Japan to the President AOA.

Decision:

It was decided by the Board that the proposed electronic system should be reliable enough to ensure the secrecy of the vote, well protected against any intrusion and this system should have the prior approval of the Executive Committee. Nomination process should be transparent and nomination papers be scrutinized by the Executive Committee. The voting process should be monitored by the senior most Member of the BOD who is not contesting

election him/herself and disclosure of the result of the vote “including count of vote” should be ensured. Necessary procedure needs to be considered for inclusion in the Code of Conduct of Business of AOA to determine whether some candidate can run for two or more positions. A new set of election procedures to cover election through electronic means will be drawn up by the Executive Secretary for the consideration of the Board.

Agenda Item-6

Consideration of Application for Full Membership of the AOA from Georgia and Dagestan (Russian Federation)

Minutes:

Applications dated 2nd March, 2016 and 12th July, 2016, respectively, were received from the Public Defender (Ombudsman) of Georgia and Commissioner (Ombudsman) of Human Rights of Dagestan for grant of Full AOA Membership. Both the Institutions meet the requisite criteria to become the members of the AOA under Article 5(1) of the Bye-Laws. Both are appointed by the Parliament. Their scope of work and authority, tenure of the post, financial autonomy and functional independence qualify them for the requested membership.

After required scrutiny of the relevant documents by the AOA Secretariat, the respective Institutions of the two countries were recommended to the Executive Committee/BOD for granting them full AOA Membership.

In view of the position explained, the Board unanimously supported the request of Georgia and Dagestan for granting them full AOA membership and recommended their case for consideration of the General Assembly.

Decision:

The Board unanimously supported the request of Georgia and Dagestan for granting them full AOA membership and recommended their case for consideration of the General Assembly.

Agenda Item-7

Non-Payment of AOA Membership Fee

Minutes:

Armenia, an Associate member of AOA, has not been paying the AOA membership fee since 2011 despite consecutive reminders in the form of invoices were sent to them. The case

was placed before the Board to decide whether the membership of Armenia should be allowed to continue or not.

There was consensus that while efforts are underway to expand the fraternity of ombudsmanship in the Asian Region, it will be against the spirit of this mission to expel some existing member from the Association. Indonesia emphasized on making rules on such situation. Iran viewed that neighboring countries may be allowed to deposit payable fees if some country cannot afford to pay. The discussion concluded that instead that a defaulting member's membership may not necessarily be terminated but it would be deprived of the right of vote, right to contest election and right to any financial benefit from the Association.

Decision:

The Board decided that defaulting member's membership may not necessarily be terminated but, it would be deprived of the right of vote, right to contest election and right to avail any facility from the Association involving financial implications.

Agenda Item-8

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

Minutes:

The BOD, in its Tokyo meeting held on 7th March, 2016, constituted a Group comprising China (Chairman), Indonesia and Tatarstan for reviewing of the development and performance of the Academy established by GIO, Iran. The Group planned a visit of the Academy in Tehran during 24-28 July, 2016 which was postponed on the request of the GIO, Iran.

The Board requested Hon'ble Deputy Ombudsman GIO, Iran to apprise on the circumstances that led to the postponement of the visit and proposed date for the next program.

Hon'ble Deputy Ombudsman Iran apprised the Board in detail the perspective of establishing the Academy in 2013 at the AOA Board Meeting held in Tehran. At that time, the building for the said Academy was borrowed from the Department of Energy that was not adequate to meet the needs of a grand institute that GIO intended to establish. Therefore, it was decided in 2014 that a new building should be provided for the Academy. Accordingly, an exclusive floor, annexed to the GIO Building, covering an area of over 600 square meters was dedicated for the AOA Academy. Its renovation is now complete, except with some minor works. It has all the facilities of desired standards that a grand academic institution must possess.

A visual documentary was also shared at the meeting elaborating the available set up of the building and academic facilities. The Board was told that, the Academy is ready in all respects to run the training programs. Preparation of syllabus is under way and required license will be obtained from the respective authority very soon.

He further apprised that GIO, Iran had been ready to welcome the Group for Review of the Academy. But incidentally, the GIO had to attend some very important assignments and felt time constraints. Therefore, difficulty was felt in adjusting the visit within the given schedule. Hon'ble Deputy Ombudsman Iran indicated that GIO Iran were again ready to receive the Group anytime. Alternatively, parties concerned could consult each other through internet or meet here in Kazan. The Chair proposed a meeting of the Group on the next day and also mentioned that it could be a permanent Group for monitoring the Academy affairs on behalf of the Association.

The participants were highly appreciative of the facilities that GIO had already ensured for the Academy and generally felt that the Academy project could proceed.

Post meeting note: As Iran delegation would leave Kazan the next day while other members of the Group would be busy in the scheduled activities, the proposed meeting would not be feasible. On the same day after the Presidential Dinner, the President AOA, Commissioner Human Rights Tatarstan, Deputy Ombudsman Iran and the Executive Secretary AOA had a meeting.

The members present at the said meeting were of the view that since the Board was satisfied on the facilities available with the Academy, Members from China and Indonesia may be requested, on line, to offer their views.

Decision:

The Board was satisfied on the facilities available in the Academy and would be pleased to see the Academy project further proceed.

Agenda Item-9

Use of AOA Funds and Resource Mobilization for AOA

Minutes:

It was agreed in the Tokyo BOD meeting on 7th March, 2016 that Members of the Board would make efforts to approach directly to the multilateral financial institutions to secure funding for their respective countries and, if feasible, for the AOA as well.

In view of Board's decision, the AOA Secretariat vigorously pursued the matter with various national and international donor agencies' local offices in Pakistan.

Japan in its subsequent observations on the Minutes of the 18th AOA BOD Meeting has desired amendment in the Minutes that Members of BOD would make efforts directly to the financial institutions to secure financing "not for respective Countries but for the Association".

The Board was told that the President AOA wrote letters to nine multilateral financial agencies, at their local offices in Pakistan, requesting them to extend financial support to AOA for promotion of its objectives. But in response it was told by them that countries where their head offices are situated can contact them for such support. Therefore, the Members are requested to contact these institutions, where they can, seeking financial support for AOA, Secretariat agrees with Japan that the request for financial support should not be for national institutions, rather it should be exclusively for AOA.

Decision:

The Members are requested to contact multilateral financial institutions, where they can, seeking financial support exclusively for the AOA.

Agenda Item No. 10

Expansion of the AOA

Minutes:

There have been consistent efforts by the President AOA to expand the reach of AOA. In this connection, he wrote letters to Ombudsmen of fifteen countries apprising them on the significance of joining the Association, procedure and documentation required to become the member. He also requested missions of Pakistan abroad and the Foreign Secretary, Pakistan to support his endeavours aimed at expanding the reach of AOA. As a result, a number of Ombudsman institutions from Asia have been encouraged to join the AOA.

The Chair apprised the Board how he approached Philippine to bring it back in the Association, and referred to his efforts in convincing Turkey to join Community of Ombudsmen. Before Georgia and Dagestan, he could motivate Jordan and Tatarstan to join the AOA.

Iran mentioned its efforts to convince Iraq, Oman and Russian Federation for joining the AOA. The Chair requested Iranian Deputy Ombudsman to focus his efforts on Iraq and Oman

while the Commissioner of Tatarstan was requested to pursue Russian Federation for becoming member of the AOA.

Decision:

The Members are requested to pursue their respective neighbouring countries for making them members of AOA and promote the cause of Ombudsmanship in the Asian Region.

Agenda Items-11 & 12

Improving the working of AOA Secretariat and initiating e- Newsletter

Minutes:

The functioning of AOA needs to be made more effective using the state-of-the-art paraphernalia and communication tools like webinar/video conferencing and an AOA Directory akin to the IOI Directory. The Board was requested to allow AOA Secretariat for preparing the detailed plan for submission in the subsequent meeting.

Likewise, a fortnightly e-newsletter for sharing information and experiences among the Members of AOA, on the pattern of “IOI’s Ombudsman News”, was also proposed by the AOA Secretariat. The Secretary AOA commended the good initiatives of the AOA Secretariat and she called on support and active participation of Members to make the e-newsletter a great success.

Decision:

The Board agreed to the proposal that the Secretariat will prepare and submit for its approval a detailed plan for establishing state-of-the art paraphernalia and communication tools like webinar/video conferencing and an AOA Directory akin to the IOI Directory. Secretariat may also arrange to launch a fortnightly e-newsletter for sharing information and experiences among the members of AOA, on the pattern of “IOI’s Ombudsman News”.

Agenda Item-13

Touring Expenses of the Executive Secretary with respect to Association’s Business

Minutes:

The operations of AOA Secretariat require annual financial support to the tune of US\$ 75,000 approximately (maintenance expenses of AOA Secretariat, library, salaries of ten officers & officials and librarian) which is borne by the Government of Pakistan through the office of Federal Ombudsman of Pakistan. The Executive Secretary works for the AOA without any monthly pay or remuneration. However, expenditure related to his touring for participation in the BOD, General Assembly or such other meetings of AOA needs to be financed from the AOA’s

funds as these expenses can neither be afforded by him nor can be charged to public exchequer under the given country laws.

The Board appreciated the Government of Pakistan and the Federal Ombudsman Pakistan for extending huge financial and logistic support for the functioning of AOA Secretariat. The Board unanimously supported the proposal for allowing touring expenses of the Executive Secretary for attending BOD, General Assembly or such other meetings of AOA. It was further agreed that prior approval of the Executive Committee will be sought via online circulation, on the expenses.

Decision:

The Board unanimously approved the proposal for allowing touring expenses of the Executive Secretary for attending BOD, General Assembly or such other meetings of AOA provided that prior approval of the Executive Committee by on line circulation will be sought on the expenses.

Agenda Item-14

15th AOA Conference to be held in Pyeongchange, Republic of Korea on 16-19th May, 2017

Minutes:

20th AOA Board of Directors meeting and 15th AOA Conference will be hosted in Pyeongchange by ACRC and Gangwon Province Ombudsman on 16-19 May, 2017. The ACRC Republic of Korea in its e-mail dated 1st August, 2016 had requested as follows:

“20th AOA Board of Directors meeting and 15th AOA Conference will be hosted in Pyeongchange by ACRC and Gangwon Province Ombudsman. ACRC and Gangwon Province Ombudsman made draft of the theme and schedule of the 15th AOA Conference and BOD meeting. We want to make the draft examined by the BOD whether the theme and schedule are appropriate or not. ACRC and Gangwon Province Ombudsman politely asks secretariat of AOA to bring this draft as agenda of AOA Board of Directors' meeting on 10th August, Kazan”.

The Board was also apprised by the Ombudsman, ACRC Republic of Korea, on the details of the scheduled Conference. The Board appreciated the scheme of the proposed Conference; however, the Chair desired that the program requiring Ombudsmen’s participation may not be more than two days, rest of program may continue as already scheduled.

Decision:

The Board appreciated the scheme of the proposed Conference; however, it was desired that the program requiring Ombudsmen's participation may not be more than two days, rest of program may continue as already scheduled.

Agenda Item-15
Any Other Business

Minutes:

The AOA President suggested that retired members of AOA could be invited to attend meeting as well in future to share their expertise with existing members. In order to formalize the establishment of the retired members group, formation of AOA Alumni was proposed. Under the proposal, every retired member of AOA would automatically become a member of the AOA Alumni. It was agreed that this item be recorded in minutes for further discussion.

Decision:

It was agreed that retired AOA members be invited to join the AOA Alumni to share their expertise and every retired member will automatically become a member of the AOA Alumni. This item will be recorded in minutes for further discussion.

While concluding the Meeting, the Chair thanked the participants for their valuable input and applauded, once again, the Government of Republic of Tatarstan, especially the Hon'ble Commissioner of Human Rights Tatarstan, for making excellent arrangements for AOA BOD and IOI Asian Region Meetings and other useful events for promotion of the cause of Ombudsmanship.

There being no other business, the meeting ended at 6:05 pm.