

MINUTES
OF THE MEETING OF THE BOARD OF DIRECTORS
OF THE A.O.A HELD AT MACAO (SAR)
PEOPLE'S REPUBLIC OF CHINA
FROM 20-21 OCTOBER 2003

IN ATTENDANCE

- President:** Mr. Imtiaz Ahmed Sahibzada
Federal Ombudsman
For Pakistan
- Secretary:** Ms. Alice TAI Yuen-Ying
Ombudsman of the Hong Kong
- Treasurer:** Mr. LEE Wun Hyoung
Ombudsman Republic of Korea
- Executive Secretary:** Mr. Zaheer ud Din Babar
Federal Secretary, Pakistan
- Members:** Mr. Kong Xiangren
Deputy Director General
Ministry of Supervision
People's Republic of China.
- Mr. Watarai Osamu
Director of the Administrative Counselling
Division, Japan.
- Mr. Haji Khalid Bin Ibrahim
Deputy Director General of the
Public Complaints Bureau,
Malaysia.
- Mr. Margarito GERVACIO, JR
Over-All Deputy Ombudsman
Republic of Philippine.
- Mr. Cheong U
Commissioner Against Corruption, MACAO,
SAR, China.

The President of the A.O.A welcomed the delegates. Thereafter, the Agenda items were discussed. Decisions on the Agenda items are given below each item.

AGENDA ITEM NO.1

**APPROVAL OF THE MINUTES
OF THE LAST MEETING OF THE BOARD OF DIRECTORS
HELD AT BEIJING, PEOPLE'S REPUBLIC OF CHINA,
ON 21ST MAY 2002.**

The President requested the Board to consider and approve the minutes of the last meeting of the Board of Directors held at Beijing, Peoples Republic of China on 21st May 2002.

DECISION

2. The Board unanimously approved the minutes of the last meeting of the Board of Directors held at Beijing, Peoples Republic of China on 21st May 2002.

AGENDA ITEM NO. 2

**APPROVAL OF DRAFT AGENDA FOR THE
PRESENT MEETING OF THE BOARD OF DIRECTORS
OF THE A.O.A.**

3. The President requested the Board to consider and approve the draft Agenda (Annex "B") for the present Board of Directors meeting.

DECISION

4. The Board unanimously approved the draft Agenda of the meeting of the Board of Directors of the A.O.A scheduled at Macao, SAR, Peoples Republic of China on 20-21 October 2003.

AGENDA ITEM NO. 3

**DISTRIBUTION OF APPROVED PRINTED COPIES OF BYE-LAWS
AND CODE OF CONDUCT OF BUSINESS.**

5. The General Assembly of the A.O.A in its meeting held on 21st May, 2002, vide resolution No.2 & 3, resolved to accord its approval to the revised Bye-Laws and the Code of Conduct of Business of the Asian Ombudsman Association. Accordingly,

these were printed and dispatched to all the members. The Board was informed that, all the members have received the printed copies of the Bye-laws and the Code of Conduct of Business of the A.O.A and the item had been included on the Agenda for the information of the Board.

DECISION

6. The Board noted the action taken by the Secretariat.

AGENDA ITEM NO. 4

**CONSIDERATION OF APPLICATIONS
FOR MEMBERSHIP FROM:-**

- (i) COMMISSIONER FOR HUMAN RIGHTS OF THE REPUBLIC OF AZERBAIJAN.**
- (ii) PROVINCIAL MOHTASIB (OMBUDSMAN) BALOCHISTAN, PAKISTAN.**

7. The President informed the Board, that, both the applicants are eligible under the existing criteria prescribed by the relevant Article of the Code of Conduct and they have also paid the application-processing fee.

8. The Board of Directors was requested to recommend to the General Assembly of the A.O.A, the acceptance of their applications for the membership of the A.O.A.

9. The Secretary, A.O.A and the member from Philippines, raised the issue whether authority for according approval in those cases where the applicants meet the criteria of membership should vest in the Board of Directors with the matter being referred to the General Assembly for information.

10. The President said that under the existing rules the application for membership needs first to be considered by the Board of Directors, and decision of the Board is then referred to the General Assembly for ratification. He suggested that where the Board approves the application for membership for recommendation to the General Assembly for consideration/ ratification, the applicants should be informed accordingly and invited for prospective conferences as provisional members.

DECISION

11. The Board unanimously endorsed the membership of the two applicants and decided that their cases be placed before the General Assembly for ratification during the next session and they be informed accordingly.

12. Invitations should be extended to both the applicants, as provisional members, to attend the next General Assembly Session.

AGENDA ITEM NO.5

GRANT OF SCHOLARSHIPS AND FINANCIAL SUPPORT TO INDIVIDUALS WHO INTEND TO CARRY OUT RESEARCH/ STUDY IN THE FIELD OF OMBUDSMANSHIP IN MEMBER COUNTRIES

13. It was proposed to the Board, that to promote the idea of Ombudsmanship in the member countries of the A.O.A, individuals who are interested in carrying out specific studies/ research work in the field may be encouraged to do so through grant of scholarships and financial support. For this, members would have to convince their respective Governments/ Universities/ Institutions for monetary support. It was proposed that a Sub-committee of the Board may be constituted to determine the scope of the proposal and the modalities of its implementation for presentation to the next meeting of the Board.

14. The Secretary A.O.A observed that the proposal should only be put up to the General Assembly if sufficient interest in it has been exhibited. In this context she was informed by the President, that the Office of the Ombudsman in Pakistan had received a number of requests which could not be entertained for want of funds.

15. The Member from Philippines stated, that they have a programme for students who want to undertake research on the subject of corruption under which relevant material and assistance is provided. Where the theses of research are upheld by the Universities, the students are financially rewarded with substantial amounts.

16. The Member from Macao said that he agreed to the proposal and wanted it to be circulated to all the members of the Association for their views. He also offered appropriate financial support from the Macao Foundation for the proposed research.

17. The President pointed out that the proposal under consideration essentially related to the nomination of a sub-committee to determine the areas of research, their scope and the modalities of implementation. The issue of the extent of financial resources needed for the purpose could only be determined after this exercise had been undertaken.

18. The Member from Macao agreeing to the proposal offered his services as a Member of the sub-committee.

19. The Member from Philippines also supported the proposal of constituting a sub-committee and, while supporting Macao for the purpose, offered his services as a member thereon.

20. The President suggested, that the Ombudsman of Hong Kong should also be on the Committee both as a Member and its Convenor.

21. The Member from the Republic of Korea supported the proposal of a sub-committee and undertook on behalf of his country to favourably consider financially supporting its work and also ultimately of providing appropriate financial resources for the research work to be conducted. He further suggested, that a visit to the A.O.A Headquarters in Pakistan by the Members of the sub-committee in January 2004 for a meeting would be useful in further discussing different aspects of the proposal and firming up a Working Paper for the next Board of Directors meeting. Since the financial implications of research studies to be conducted had also to be worked out, it was observed by the President that the Member from the Republic of Korea would also need to attend the proposed meeting in Pakistan. In this context it was also observed that to make a meeting of the sub-committee a success the Members of the Board and the A.O.A should be requested to provide their proposals with regard to the subject matter of the research studies, their scope and the modalities of their implementation within a month of the receipt of the minutes.

Since the proposed meeting is likely to be scheduled at the end of January 2004, it would be appropriate if the proposals in this regard were to be submitted to the Headquarters by the middle of January 2004.

DECISION

22. (i) The Board unanimously agreed to the constitution of a sub-committee of representatives of Hong Kong (Convenor), Macao and Philippines as members. The meeting of the sub-committee would be held in Islamabad, Pakistan, at the end of January 2004, the dates of which would be fixed by the Convenor in consultation with the members and the A.O.A Headquarters.
- (ii) All members of the A.O.A and the Board should send their proposals to the Convenor with copies to the A.O.A Headquarters by the 15th January, 2004, regarding the areas of research studies, their scope and the modalities of their implementation for consideration of the sub-committee.
- (iii) The Ombudsman of the Republic of Korea would attend the meeting of the sub-committee in Pakistan as Treasurer of the Association for working out the financial implications of the proposal and suggesting possible ways of mobilizing resources for it.

AGENDA ITEM NO. 6

INVITATION TO JOIN THE A.O.A.

23. It was proposed to the Board that to achieve the objectives of the A.O.A in a more effective manner, efforts need to be continued to increase its membership. For this purpose all members of the Association should identify institutions in the region to be requested to join the A.O.A. In this context it was pointed out that the President A.O.A had already used his good offices through the Embassies of Pakistan in all Asian countries. So far, response from Pakistan Embassies in Azerbaijan, Kyrgyz Republic and Brunei Darussalam have been received to the effect that Ombudsman-like institutions exist in these countries. These have been contacted to join the Association. In two countries i.e. Lebanon, and Bangladesh, the establishment of the institution of Ombudsman is under process. Commissioner for

Human Rights for Republic of Azerbaijan has submitted an application for membership of the A.O.A. However, each member of the Association needs to use his good offices to expand the membership of the Association.

24. The Board was informed by the President about the efforts made so far for any further action as deemed appropriate.

DECISION

25. The Board noted with satisfaction the efforts made by the A.O.A Secretariat to increase the memberships of the A.O.A and desired that Members should continue to use their good offices in this regard.

AGENDA ITEM NO.7

DEVELOPING A COMPREHENSIVE MANAGEMENT INFORMATION SYSTEM TO FACILITATE DATA COLLECTION FROM MEMBER COUNTRIES AND TO EXCHANGE INFORMATION FOR RESEARCH AND DEVELOPMENT WORK IN THIS FIELD

26. The availability of accurate, comprehensive, and timely information plays a vital role in governance and the functioning of organisations. To improve the working of the A.O.A, prompt exchange of information among the member countries and updation of data is necessary. Consequently, a comprehensive Management Information System is required. This will help the Association in collaboration and coordination through communication channels i.e. Internet WAN etc. It will also be helpful to the Members of the Association in the sharing of information in the form of reports, periodicals, and decisions/ findings for improvement of their respective organizations.

27. Each member/ organisation may exchange in house journals/ reports and Findings/Recommendations in specific cases with other members. However, if this documentation is in the national language only, then, for the benefit of members, arrangements may be made for translation into the official language of the A.O.A.

28. The Board was requested to consider the above proposal.

29. Member from Malaysia said, that, in case of Malaysia, the requisite material may be accessed through their website. He promised to send the Annual Report for the year 2001-2002, in English to the members.

30. The Ombudsman of Hong Kong suggested linking of website of the A.O.A with the member countries.

DECISION

31. It was unanimously agreed by the Board that:-

- (i) Members should exchange their respective publications with each other; and
- (ii) A.O.A's website should be linked up with member countries to facilitate exchange of information/views.

AGENDA ITEM NO. 8

**MAKING THE OMBUDSMAN/ LIKE INSTITUTIONS
MORE INDEPENDENT AND AUTONOMOUS IN THEIR
WORKING FOR GREATER EFFICIENCY AND CREDIBILITY**

32. It was proposed that, for greater efficiency and credibility the institution of the Ombudsman needs to be as administratively and financially independent of the Executive Branch of government as possible in the circumstances of each member country. Member countries, may, therefore, consider highlighting these aspects of the functioning of their organizations through subject-specific papers for consideration of the Board in its next meeting so that experiences in this context get to be shared for effecting improvements.

33. The Board was requested to consider the proposal and decide on the scope of the coverage.

34. The proposal was appreciated by the Board, but it was suggested that each member of the Association should be requested to submit a self-contained paper regarding the financial and administrative dispensation under which they are working. The extent to which these meet the criteria of autonomy and independence should be highlighted alongwith any proposals to effect improvements therein. The information so submitted would then be integrated into a self-contained paper by the Secretariat for information and consideration of the next meeting of the Board. To be able to do so the papers would need to be submitted by the 15th of February, 2004.

DECISION

35. The Board unanimously approved that each member of the Association should submit a self-contained paper relating to the Financial and Administrative Dispensation under which their respective Organizations were functioning, the extent to which these met the criteria of autonomy and independence, and improvements, if any, proposed to be reflected therein. These papers should be submitted to the A.O.A Secretariat by the 15th of February 2004 for an integrated working paper for the information and consideration of the next meeting of the Board of Directors.

AGENDA ITEM NO. 9

CREATING AWARENESS AMONG GENERAL PUBLIC ABOUT EFFECTIVENESS AND USEFULNESS OF THE OFFICE OF OMBUDSMAN IN THE SOCIETY

36. Lack of education in developing countries renders the less educated citizens an easy prey to the high handedness and less than ethical conduct of the bureaucracy. Poverty compounds their miseries and enhances their helplessness against bureaucratic excesses and mal-administration.

37. A significant aspect of the role of the Ombudsman is to work as a bridge between the public and the Government departments. The efficacy and usefulness of the institution of the Ombudsman is linked to the awareness of the general public about its functions, powers, and jurisdiction. The experience of each member country and how this is brought about needs to be collectively shared for improvement of the country-specific strategy and programme.

38. It was proposed, that, country-specific papers on the subject may be submitted for consideration of the Board in its next meeting.

DECISION

39. The Board unanimously decided, that Country specific papers on the subject should be submitted to the A.O.A secretariat by 15th of February, 2004, indicating the existing position and pointing out the improvements/modifications needed, if any. The essence of these would be integrated into a paper by the Secretariat for consideration of the Board in its next meeting.

AGENDA ITEM NO. 10

PUBLICATION OF QUARTERLY NEWS BULLETIN OF THE A.O.A

40. The Board was requested to consider the proposal in the context of what it would contain and the periodicity of its publication. In this context it was suggested, that its format could be that of a News Bulletin containing summaries of major decisions and recommendations of the respective Organizations regarding specific complaints in addition to any other item that may be considered significant enough to be shared with the members. As to its periodicity a quarterly issue would be appropriate.

DECISION

41. The Board unanimously decided that, the publication should be brought out on a quarterly basis by the A.O.A Secretariat under the nomenclature of A.O.A News Bulletin. It should generally contain summaries of decisions/ recommendations in specific complaints considered important enough for circulation amongst members in addition to any other information deemed significant for sharing with other members.

AGENDA ITEM NO.11

**CONSIDERATION AND APPROVAL OF THE
PROGRAMME/ARRANGEMENTS OF THE 8TH A.O.A CONFERENCE TO
BE HELD IN SEOUL, REPUBLIC OF KOREA FROM 26-29 APRIL 2004.**

42. The programme of the Conference (Annex "H") was discussed in the context of its under mentioned main and sub themes.

MAIN THEME

- (i)** The Ombudsman And Strengthening Of Civil Rights In Asia

SUB THEMES FOR PLENARY SESSIONS

- (i)** The Government-citizen Relationship: What do the citizens expect from the Government?
- (ii)** The Role of Ombudsman in Safeguarding Civil Rights.
- (iii)** The Ombudsman and Citizen Participation.

43. Opening the discussion the President proposed, that the scope of the main theme could be enlarged by making it as **"The Ombudsman, Civil Rights and Prevention of Mal-administration"**. This was necessary as quite a number of Ombudsman Institutions in the member countries were exclusively concerned with the issue of mal-administration leaving the area of civil rights as such to the domain of the judiciary. The Member from the Philippines suggested, that the topic could be **"The Ombudsman and upholding of Human Rights in Asia"**. To this the Member from the Republic of Korea responded, that in his country there is a specific Agency for the protection of human rights, and consequently, the term Civil Rights had been incorporated in the main theme of the Conference as this was within the domain of the Ombudsman. The Member from Malaysia suggested the term **"promoting"** instead of **"upholding"** in the revised proposal of the Member from the Philippines.

44. The Member from the People's Republic of China suggested, that irrespective of the exact nomenclature of the main and sub-themes of the Conference, the mode of treatment should be such as to embrace the wide diversity of functions and practice of the Ombudsmen/ 'Ombudsman-like' institutions of member countries and in this regard sufficient flexibility of treatment should be shown.

45. The Member from the Philippines proposed that to promote greater interaction and the formulation of specific recommendations on each sub-theme, the participants attending the Conference should be divided into three groups-one for each of the sub-themes. They in turn should be provided an opportunity of discussing the papers presented at the different sessions and finalizing agreed recommendations for adoption at an overall Plenary Session of the Conference. For this purpose a specific day should be allocated for discussion of the papers relating to each sub-theme by the groups so formed. Within this context the detailed programming and format of the Conference should be left to the hosts to determine. The President observed that the structuring of the Conference would have to be done within the overall time frame of the Conference and, therefore, the hosts were the best judge of how this should be done.

46. Translation facilities from Japanese into English came under discussion. In this context it was agreed by the Members from the Republic of Korea that Japan could bring along its own interpreter who would be provided the required facilities. However, if an interpreter were to be arranged by the Republic of Korea this could only be done on payment of cost by Japan.

DECISION

47. The Board unanimously approved the programme of the 8th A.O.A Conference as structured by the host country subject to the following observations:-

- (i) the approach to the contents of the country papers under the sub-themes of the Conference should be flexible enough to reflect the wide diversity of the scope of the functions and practice of the concerned Organizations in each member country; and
- (ii) the programme and proceedings of the Conference should, to the extent permitted by the limitations of time, be so structured as to permit a wide exchange of views and discussions on the Papers presented and the formulation of specific recommendations for adoption on each of the sub-themes in an over-all plenary session.

AGENDA ITEM NO 12

TO CONSIDER HOLDING OF THE A.O.A CONFERENCE FROM EVEN TO ODD YEARS TO AVOID CLASH WITH IOI CONFERENCES

48. Some of the member countries of the A.O.A are also active members of the IOI. The general conference of the IOI is scheduled to be held in the year 2004, in Canada, while the next biennial conference of the A.O.A is also scheduled to be held in the year 2004 in the Republic of Korea. Therefore, change in the A.O.A conference from even to odd years without prejudice to the next conference was suggested by the A.O.A Secretary Ms Alice Tai. Additionally the format of future A.O.A conferences and possible technical support to fellow members were also proposed.

49. However, the issue of when the first biennial odd year conference should be held came up. The choice was between the years 2005 and 2007. In this context, it was felt that the year 2005 would be preferable as year 2007 was a long way off and members could lose interest by then. It was, however, pointed out that it might not be possible to hold the conference in 2005 as no member had as yet offered to do so. Therefore, while attempting to schedule the conference in 2005, we should mentally be prepared, that this could go over to the year 2007.

50. Secretary A.O.A said that she could request Thailand to consider holding the meeting in the year 2005 in case it is not possible for Malaysia to hold the meeting.

DECISION

51. The Board decided that: -

- (i) efforts would be made to hold a conference in the year 2005, in Malaysia or Thailand;
- (ii) in case it is not possible to hold the conference in the year 2005, then Malaysia would be requested to host the conference in the year 2007; and
- (iii) matter regarding the venue of the Conference in 2005, should be placed before the General Assembly for consideration/approval, if required by the Bye-laws/Code of Conduct of the A.O.A.

AGENDA ITEM NO. 13

PAYMENTS OF OUTSTANDING DUES BY THE ASSOCIATION'S MEMBERS

52. Schedule of the outstanding dues from the Association's members (Annex "J") was discussed. The A.O.A Secretariat had already reminded the members for meeting their obligations.

53. The Board of Directors was requested to consider inviting the attention of the members to the need for early payment of the dues.

DECISION

54. It was unanimously decided that letters be issued to the defaulting members by the Secretary A.O.A for meeting their financial obligations at the earliest failing which invocation of the relevant clauses of the Bye-laws and the Code of Conduct of

Business of the A.O.A could jeopardize their membership of the Association and also their right of vote in the elections for the membership of the Board in the forthcoming Conference/Meeting scheduled at Seoul (Republic of Korea) in April, 2004.

AGENDA ITEM NO. 14

CONSIDERATION AND APPROVAL OF THE FINANCIAL STATEMENTS OF THE A.O.A ACCOUNTS FOR THE PERIOD FROM 16TH MAY 2002 TO JULY 2003

55. The financial statements of the accounts of the A.O.A, including income and expenditure statements and balance sheets, upto May 2003, prepared by the A.O.A Secretariat as contained in (Annex-K & L) were considered.

56. Secretary A.O.A pointed out, that, it was decided in the last meeting of the Board of Directors held on 21st May, 2002 in Beijing, Peoples Republic of China, to remunerate the Executive Secretary and Office Manager @ 20% of Basic pay for 6 months in a year when the General Assembly meeting is held and @ 20 % of 3 months Basic Pay when no such meeting is held. The amount supposed to be paid to the Executive Secretary and the Office Manager has not been reflected in the expenditure statement placed before the Board.

57. The President informed that the Executive Secretary and the Office Manager have agreed to work without remuneration. Therefore, the amount has not been reflected in the financial statement for year 2002-2003

DECISION

58. The Board of Directors accorded approval to the financial statements placed at (**Flags "K & L"**) and expressed its appreciation of the gracious gesture on the part of the Executive Secretary and the Office Manager of the A.O.A for working without remuneration.

AGENDA ITEM NO. 15

REVIEWING THE MEMBERSHIP/ SITUATION OF TURKEY, MALDIVES AND IRAQ

59. It was pointed out in the working paper on the subject, that the first A.O.A Conference was held in Islamabad from 15-16 April, 1996, which was attended by delegates from 18 countries. In that conference, all the delegates agreed to form the

Asian Ombudsman Association (A.O.A). Hence, by virtue of declaration of the conference to form the Association, all the delegates were presumed to have become Founding Members of the A.O.A. However, in the subsequent meetings/ conferences of the Association there has been no representation from Turkey, Iraq and Maldives and nor have the reports/ circulars etc. forwarded by the A.O.A, Headquarters Office been replied to.

60. In their response to the draft agenda of this meeting, Turkey has impliedly indicated that the issue of membership would be considered once the institution of the Ombudsman is established through an Act of Parliament.

61. It was proposed, that as far as Iraq is concerned the issue should be taken up on the return of normalcy in that country. As to Maldives it was suggested, that the member may be asked to confirm, whether it would like to continue the membership of the Association or otherwise.

62. The Board was requested to consider the above proposal.

DECISION

63. The Board decided that:-

- (i) In case of Turkey, issue be taken upon on establishment of the Institution of Ombudsman through an Act of Parliament.
- (ii) In case of Iraq, the matter be taken up on return of normalcy to that country;
- (iii) As to Maldives, since it has not been paying the Annual Membership Fee of the A.O.A since inception, a letter be issued to it and all other members to meet their up-to-date financial obligations by 30.12.2003, failing which relevant provisions of the Bye-Laws and the Code of Conduct of Business would have to be invoked and the case placed before the General Assembly for a decision.

AGENDA ITEM NO. 16

ANY OTHER ITEM, WHICH THE BOARD OF DIRECTORS MAY LIKE TO DISCUSS

64. The Member from Philippines observed that he has been attending the meeting of the Adhoc Committee of the U.N Convention Against Corruption and was

surprised at the fact that the A.O.A was not represented in the deliberations. He suggested that the President of the A.O.A should be invited to the signing ceremony of the Instrument to be held in Mexico.

65. In this context it was observed that the presence of the President of the A.O.A at the signing ceremony may not be appropriate, as not all of the Organizations represented in the A.O.A dealt with corruption as a specific subject. Quite a number were exclusively concerned with the issue of mal-administration. However, to enable the Member Organizations of the A.O.A who were concerned with corruption to be associated with the policy input at the Convention, it would be appropriate to obtain the relevant documentation and pass it on to these Organizations for submitting their comments thereon to those Agencies of their respective Governments which were invited for the deliberations of the Convention. In this regard the member from the Philippines was requested to provide the relevant documentation to the A.O.A Secretariat which in turn would provide copies to all the Members.

DECISION

66. The Board decided that the Member from the Philippines would submit the required material on the U.N Convention Against Corruption to the A.O.A Secretariat which would in turn send copies to all the Members of the Association for submitting comments thereon to those Agencies of their respective countries which had been invited to take part in the deliberations of the Convention.

CONCLUSION

67. The meeting concluded with a note of thanks by the President to the Board of Directors for their co-operation and contribution in making the meeting a success. The President also thanked Macao, SAR, China for the excellent arrangements and hospitality extended to the participants.
