

**MINUTES OF
14TH ANNUAL MEETING
OF THE BOARD OF DIRECTORS
OF THE ASIAN OMBUDSMAN ASSOCIATION (AOA)**

Date 19th June, 2012

Venue: Baku, Azerbaijan

List of participants is attached.

In the absence of the President, Mrs. Panit Nitithanprapas, Chief Ombudsman, Thailand and Vice President, AOA, chaired the meeting. In her opening remarks, she welcomed all members. Ms. Ma Wen, Minister, Ministry of Supervision, People's Republic of China, Mr. Mostafa Pour Mohammadi, President, General Inspection Organization, Islamic Republic of Iran, Mr. Hideo Arai Director General, Administrative Evaluation Bureau, Ministry of Internal Affairs, Japan and Dr. Tam Weng Wah, Director General, Public Complaints Bureau, Prime Minister's Department, Malaysia could not attend the meeting and were represented respectively by Mr. Liu Shuo, Deputy Chief Director, Ministry of Supervision, People's Republic of China, Dr. Gholamhossein Bolandian, Deputy for Planning and Resource Management, General Inspection Organization, Islamic Republic of Iran, Mr. Susumu Kamimura, Deputy Director General, Administrative Evaluation Bureau, Ministry of Internal Affairs, Japan and Mr. Man Azlan, Deputy Director, Public Complaints Bureau, Malaysia.

Agenda Item No. 1

Approval of the agenda for the present (14th) 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 (13th) meeting of the Board of Directors held in Tokyo, Japan 5th December, 2011 & Numazu, Japan 8th December, 2011.

The Executive Secretary requested the Board to consider and confirm the minutes of the 13th annual meeting of the Board and those of the Board meeting held on 8th December, 2011.

Decision:

The minutes were approved.

Agenda Item No. 3

Implementation Report on decisions of the last (13th) 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.

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

- (i) No action was required on Item Nos. 1 to 4 of the Implementation Report.
- (ii) On Item No. 5, the recommendations of the Board had been placed before the General Assembly in its meeting held on 8th December, 2011, which approved all the three membership applications. All concerned had been informed and the membership roster had been updated accordingly.
- (iii) On Item No.6, the recommendations of the Board had been placed before the General Assembly in its meeting held on 8th December, 2011, which approved the Audit Report for the year 2010.
- (iv) On Item No.7, the Audit report of the accounts for the year 2011 was placed before the Board during the current meeting. The expenditure in the first six months of 2012 remained within budget allocation.
- (v) On Item Nos. 8 and 9, the issues were for discussion as separate agenda items in the current meeting.
- (vi) On Item No.10, the recommendations of the Board had been placed before the General Assembly in its meeting on 8th December, 2011, which approved the proposal. All concerned had been informed. The item had also been placed before the new Board in its meeting on 8th December, 2011, which approved the proposal.

- (vii) On Item No. 11, the recommendations of the Board had been placed before the General Assembly in its meeting held on 8th December, 2011, which approved them. The results of the elections had been announced.
- (viii) On Item No. 12, the conference and the General Assembly meeting had been held as per the approved programme.
- (ix) On Item No. 13, the change in the signatory of the AOA account had been effected. No further action was required.

Decision:

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

Agenda Item No. 4

Determine how the post of the President of AOA is filled.

(Carried over from previous Board meeting)

During the 12th meeting of the General Assembly 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 31 May, 2012, or if the Wafaqi Mohtasib declines the invitation, the Board shall determine how the post of the President of AOA is filled.”

2. Since by the deadline set by the General Assembly, no Wafaqi Mohtasib (Federal Ombudsman) Pakistan had been appointed, the Board was requested to determine how the post of the President of AOA should be filled.

3. The Executive Secretary also briefed the Board about the position of the appointment of the Federal Ombudsman in Pakistan: in view of the constitutional restructuring of Pakistan, which would take a few more months, no Federal Ombudsman would be appointed at the moment. Despite the absence of a Federal Ombudsman of Pakistan, and thus the absence of a Pakistani Board member, the office of the Federal Ombudsman would continue to fund the operation of the AOA Secretariat.

4. The Board Members discussed the implications of different options for filling the post of the President, including the adverse effect of leaving the post unfilled on the image and credibility of AOA.

Decision:

The Board unanimously agreed to appoint Mrs. Panit Nitithanprapas, Chief Ombudsman, Thailand as the President of AOA, whose term should last 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 would be held.

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 on 8th December, 2011, allowing all full members to have voting rights, had not been carried by the General Assembly and had been rejected. The decision then was that the motion/proposal from the Federal Tax Ombudsman, Pakistan be processed by the AOA Secretariat according to the Bye-laws and Code of Conduct of Business of AOA.

2 .The AOA Secretariat had accordingly invited comments and proposals from all member institutions and produced a paper to give background information to Board members.

3 .The Board noted the following comments/proposals from members:

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...”

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.

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)

In accordance with the decision at the last Board meeting, the Secretariat had invited Board members to join the committee for further study of the proposal from the General Inspection Organization, the Islamic Republic of Iran, and to visit Tehran on the invitation of the General Inspection Organization for the purpose in mid-March, 2012. Initially, the Ombudsmen of the Republic of Korea, Thailand and the People’s Republic of China had

shown interest to be part of the committee. Subsequently, the visit had been rescheduled for the first half of May 2012, with, however, no response/commitment from members to the proposed visit.

2. The Representative of the General Inspection Organization, Dr. Gholamhossein Bolandian, briefed the Board on the latest position regarding the project and invited the Board to visit the proposed site for the academy for a better understanding of the proposal

Decision:

It was decided that the visit to the proposed site for the academy be made as a side programme of the 13th AOA Conference and General Assembly in 2013.

Agenda Item No. 7

Use of AOA Funds

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

In its last Meeting held on 8th December, 2011, 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. The Board noted that no progress had been made in launching of the 2nd RETA Project with ADB due to three reasons. First, AOA had no President to negotiate the Project with ADB. Secondly, the Ombudsman of the Philippines, where the ADB headquarters was located, had withdrawn AOA membership with effect from 20th April, 2012. Thirdly, no other member had come forward to take the lead in negotiating the Project with ADB.

2. The Board reviewed the issue and appreciated the efforts of the AOA Secretariat in working out the proposals. Members considered that AOA funds should be spent prudently and only on useful activities yielding positive results in enhancing the capacity and expertise of member institutions. If a member institution needs AOA funds for a certain activity, it should present a detailed proposal to the Board for consideration. As a general principle, activity expenses e.g. air tickets and accommodation) should be borne by participants, but AOA could sponsor the expenses in respect of trainers.

Decision:

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

Agenda Item No. 8

Notice of the Ombudsman of Philippines to withdraw membership from the Asian Ombudsman Association

In pursuance of Bye-law 5(8), Ms. Conchita Carpio Morales, Ombudsman of the Philippines, had served a notice to the Board that the office of the Ombudsman of the Philippines wished to withdraw its AOA membership with effect from 20th April, 2012.

Decision:

The Board noted the position.

Agenda Item No. 9

Audit report of the AOA accounts for the year 2011.

The draft audit report prepared by M/s W.A Associates, for the period 1st January to 31st December, 2011, was placed before the Board for consideration and approval. The Treasurer, Ms. Kim Young-ran, Chairperson, Anti-corruption and Human Rights Commission, Republic of Korea, introduced the report.

Decision:

After detailed discussion, Members endorsed the audit report. In respect of the queries pertaining to depreciation payments as raised by the General Inspection Organization, Islamic Republic of Iran and the Administrative Evaluation Bureau of Japan, the Secretariat would consult the auditor and the Treasurer and circulate the details to all Board members for information.

Agenda Item No. 10

Approval of the Themes, Sub-themes for 13th AOA Conference scheduled in 2013 in Tehran, Islamic Republic of Iran.

The Board noted the following proposals from member institutions on the themes and sub-themes for the 13th AOA conference:

- Themes:
- (i) Core principles of good ombudsmanship.
 - (ii) Enabling environment for the effectiveness of the institution of ombudsman.
 - (iii) Role of ombudsman in suppressing corrupt practices
 - (iv) Looking beyond policies and regulations.
 - (v) Role of principles of natural justice.
 - (vi) Aiming at natural justice beyond policies and regulations.
 - (vii) The malaise of corruption obstructing good governance and the ombudsman's role to prevent it.
 - (viii) The ombudsman as a relief of citizens in the construction of a balanced society and environment.
 - (ix) The role of the ombudsman in enhancing the citizen rights.
 - (x) The role of the ombudsman in ensuring correct interpretation and implementation of laws by the administrative organs.
 - (xi) The ombudsman and promotion of good governance.
 - (xii) Reality and ideals of the ombudsman.
 - (xiii) International cooperation in ombudsmanship.
 - (xiv) The ombudsman as protector of citizen rights.
- Sub-Themes:
- (i) Enlisting the measures for improvement.
 - (ii) Corruption is the main impediment in good governance.
 - (iii) Legislation.
 - (iv) Modification in existing rules.
 - (v) Systemic improvement by framing new rules and regulations based on the experience and opinions of experts.
 - (vi) Increase media role.
 - (vii) The ombudsman and the economy.
 - (viii) The ombudsman and the political process.
 - (ix) The ombudsman and the bureaucracy.
 - (x) The ombudsman and the judiciary.
 - (xi) The ombudsman and civil society.
 - (xii) The ombudsman and integrity of the government.

- (xiii) Role of the ombudsman in improving administration.
- (xiv) Ombudsman and civilian oversight.
- (xv) The ombudsman and strengthening of civil rights in Asia and its sub-themes.
- (xvi) Role of the ombudsman in safeguarding civil rights.
- (xvii) The government-citizen relationship: what do citizens expect from the government? What do citizens expect of the ombudsman?
- (xviii) The ombudsman and citizen participation.

2. While valuing the proposals received, Members considered that the themes should be as wide as possible to allow contribution by member institutions.

Decision:

The Board agreed that the Secretariat invite member institutions to submit further proposals for the themes and sub-themes of the 13th AOA Conference in three months' time and, taking reference from all proposals received, the General Inspection Organization, the Islamic Republic of Iran, draw up a set of themes and sub-themes for circulation to Board Members for endorsement.

Agenda Item No. 11

Proposal to Conclude a Multi-lateral MOU for Protection of Nationals Residing Overseas.

The Anti-corruption and Human Rights Commission (ACRC), Republic of Korea proposed that the AOA member countries conclude a multilateral Memorandum of Understanding (MOU).

2. The proposed objectives of the MOU would include: (i) the establishment of a cooperative system among member countries to help not only their overseas nationals (compatriots) to easily file complaints against their home country but also foreign residents against their residing country in their mother tongue; and (ii) operation of "joint outreach programs" for nationals residing overseas to resolve their complaints against their home country in an easier and more convenient way. The Board was requested to consider the proposal.

3. Members appreciated the efforts of ACRC, but considered that the proposal had complications difficult to resolve, e.g. the need for a framework acceptable to all member countries and the need to commit their respective governments as well.

Decision:

It was agreed that Members were not ready to adopt the proposal at the moment. The idea could be further explored in the future in the light of experience.

Agenda Item No. 12

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

The Board appreciated the cooperation and support from Professor Elmira Suleymanova, the Commissioner for Human Rights (Ombudsman), Republic of Azerbaijan, her staff and the Government of Azerbaijan for hosting the 14th Annual Meeting of the Board. The Board would like to place on record its thanks for their warm hospitality and generosity.

2. The Board noted that with a new President in post, the practice of having the President as signatory to financial documents of AOA would resume.

LIST OF PARTICIPANTS
14TH ANNUAL MEETING
OF THE BOARD OF DIRECTORS OF AOA
19th JUNE, 2012, BAKU, AZERBAIJAN

VICE PRESIDENT

Mrs. Panit Nitithanprapas, Chief Ombudsman, Thailand

SECRETARY

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

TREASURER

Ms. Kim Young-ran, Chairperson, Anti-corruption and Human Rights Commission, Republic of Korea

MEMBERS

Mr. Liu Shuo, Deputy Chief Director, Ministry of Supervision, People's Republic of China

Dr. Gholamhossein Bolandian, Deputy for Planning and Resource Management, General Inspection Organization, Islamic Republic of Iran

Mr. Susumu Kamimura, Deputy Director General, Administrative Evaluation Bureau, Ministry of Internal Affairs and Communications, Japan

Mr. Man Azlan, Deputy Director, Public Complaints Bureau, Prime Minister's Department, Malaysia.

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

EXECUTIVE SECRETARY

Mr. Ahmad Bakhsh Lehri, Secretary, Wafaqi Mohtasib Secretariat, Pakistan

Mr. Muhammad Azhar, Additional Secretary, Wafaqi Mohtasib Secretariat, Pakistan