

**17TH ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE
ASIAN OMBUDSMAN ASSOCIATION**

MINUTES

Date: 25th November, 2015
Venue: Islamabad, Pakistan.

The 17th Annual Meeting of the Board of Directors of the AOA was held on 25th November, 2015 at 1400 hours in the Faisalabad Board Room of the Serena Hotel, Islamabad under the chairmanship of His Excellency Professor Siracha Vongsarayankura, Chief Ombudsman of Thailand. Mr. Imtiaz Inayat Elahi represented the Asian Ombudsman Association Secretariat, as Executive Secretary. The Participant countries were as follows:

- 1- Thailand (President)
- 2- Hong Kong (SAR) (Secretary)
- 3- Republic of Korea (Treasurer)
- 4- Peoples Republic of China (Member)
- 5- Iran (Member)
- 6- Japan (Member)
- 7- Malaysia (Member)
- 8- Macao (Member)

The meeting considered the agenda items and took the following decisions:

Agenda Item No. 1

Approval of the Agenda for the 17th Annual Meeting of the Board of Directors of the AOA

Minutes

The Board Members were requested to offer their comments on the Agenda. Some members recommended to take up the more important and substantive items on priority and requested for resequencing of the Agenda items. The Agenda was accordingly re-arranged.

Decision

The Board considered and approved the agenda for the meeting.

Agenda Item No. 2

Approval of the minutes of the 16th meeting of the Board of Directors held in Seoul, Korea, on 1st July, 2014

Minutes

The chairman invited comments of the participants on the minutes of 16th meeting of Board of Directors held on 1st July, 2014. No comments were, however, offered.

Decision

The Board approved the minutes of 16th meeting of Board of Directors held on 1st July, 2014.

Agenda Item No. 3

Implementation Report on decisions of the last (16th) Annual Meeting of the Board of Directors

Minutes

The meeting observed that the implementation report had already been circulated to the members. It was also displayed on the Multi Media facility during the meeting. It was noted that decisions of the 16th Meeting of the Board of Directors had been duly implemented.

Decision

The Board expressed satisfaction on the implementation report.

Agenda Item No.4

New Premises of the AOA Secretariat

Minutes

The meeting was informed that the Federal Ombudsman of Pakistan had dedicated the fourth floor portion of his Office on the Constitution Avenue Islamabad (opposite the Parliament Building and the Supreme Court Building) to the AOA Secretariat, which would now be the new premises of the AOA Secretariat. The meeting recalled that the delegates of the Conference had visited the Federal Ombudsman Secretariat on 24th November' 2015, where the AOA Secretariat's new premises were inaugurated.

Decision

The Board unanimously thanked the Federal Ombudsman of Pakistan for dedicating the 4th floor of his Office to the AOA Secretariat. The Board appreciated the extensive facilities provided in the new premises.

Agenda Item No.5

New Premises of the AOA Secretariat - No financial burden on AOA

Minutes

The meeting was informed that new premises of AOA Secretariat would entail no expenditure on the budget of AOA.

Decision

The Board expressed its thanks to the Federal Ombudsman Pakistan for provision of new premises on free of cost basis.

Agenda Item No.6

Future arrangement for the AOA Website

Minutes

The meeting was informed that the current host of the AOA Secretariat had not been able to keep the website updated and on expiry of his contract the AOA Secretariat would revamp the website entirely. The AOA Secretariat proposed to engage a Website Administrator, Programmer and other technical staff for the website who would ensure that the website remained functional as a vibrant medium round the clock. It was further informed that the expenditure involved would be approximately US \$ 1000/- per month.

The Board observed that the proposal made by the AOA Secretariat was viable.

Decision

The Board approved the expenditure of US\$1000 for engaging a Website Administrator, Programmer and other technical staff by the AOA Secretariat to administer the Website.

Agenda Item No. 7

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 the AOA

Minutes

The meeting was informed that as per clause 5-5(i) of the Code of Conduct of Business of the AOA, an annual report on the activities of the Association was to be presented by the President to the Board. Accordingly, the report of the President for the year 2014-15 was presented for consideration of the Board. The Members of the Board were requested to offer their comments on the report. However, no comments were offered.

Decision

The Board considered and approved the annual report on the activities of the Association presented by the President.

Agenda Item No. 8

Approval of the Procedure of Elections for any vacancy falling vacant during tenure of the Board

(Carried over from the previous Board meetings)

Minutes

The meeting was informed that no consensus had been reached on the filling of the position of Vice President in the 16th meeting of the Board held on 1st July, 2014 in Seoul, Korea and it had been decided that the AOA Secretariat should initiate the process for appropriate amendments in the Bye Laws and Code of Conduct of AOA to deal with such a situation in future. Accordingly, the AOA Secretariat initiated the process and with the approval of President AOA circulated its proposed mechanism/amendment among the full members of AOA for their input/comments. The proposed amendments were described as follows:

- i. Whenever vacancy of a post occurs, midterm, nominations to fill that vacancy by a fixed date be sought from all full/voting-members of AOA through circulation, using e-mail as the medium, on the prescribed ballot paper and with the approval of President AOA.
- ii. After the nominations are received, election through on-line balloting be held among all the Full/Voting members.

- iii. The mechanism, if approved by all the full members, may suitably amend the AOA's Bye-laws by becoming an adjunct to or a separate para after Article 7(9).

The input /comments of some of the AOA members were also placed before the meeting. The meeting was informed that the recommendations of the Board would be placed before the General Assembly which was scheduled to meet in the evening of 25th November, 2015.

Some of the members suggested that more time was required by them for in-depth consideration of the proposal. It was opined that once the input / comments of other members were also received, the proposal should be placed before the next meeting of the Board for further consideration. A view was expressed that on receipt of input/comments of all the members, the AOA Secretariat may electronically circulate the proposed amendments to the newly elected members of the Board for their approval to subsequently seek the approval of the General Assembly through electronic means.

Decision

The Board decided that the agenda item be deferred for subsequent circulation to the newly elected members of the Board for their comments within 60 days through electronic means and for making final recommendations for a decision by the General Assembly by circulation electronically. No reply by the fixed date (deadline) would be considered as consent.

Agenda Item No. 9

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

(Carried over from previous Board meeting)

Minutes

The meeting was informed that in the last meeting of the Board, it had been decided that the development and performance of the Academy should be reviewed in due course before considering AOA patronage for the Academy.

The report formulated by the General Inspection Organization (GIO), Islamic Republic of Iran was presented in the meeting with the request to formulate recommendation for the General Assembly scheduled to meet on 25th November, 2015.

The Board considered the Iranian proposals regarding the goals, procedures and facilities of the Academy and discussed various aspects of the proposal including financial arrangements for the training facilities at the Academy.

Decision:

The Board decided to setup a working group of 3 to 5 members and requested the AOA Secretariat to assist the Working Group in the process and report to the next meeting of Board of Directors.

Agenda Item No. 10

Use of AOA Funds/Resource Mobilization for AOA Funds
(Carried over from previous BoD meeting)

Minutes

The meeting was informed that it was decided by the Board in its last meeting that efforts should continue to be made and other organizations such as World Bank, UNDP should be approached for support. Besides, member countries should also endeavour to organise seminars and research projects with their own resources for sharing knowledge and experience. The meeting was further informed that the Board needed to make its recommendation for the General Assembly scheduled to meet on 25th November, 2015. The Board noted the efforts made by certain countries for holding various activities aimed at research, sharing knowledge and experiences.

Decision

The Board decided that the member countries should continue with their efforts in the context of resource mobilization, research and sharing knowledge and experiences.

Agenda Item No. 11

Review of arrangements for election of the new Board of Directors

Minutes

The meeting was informed that during the 13th meeting of the General Assembly held in 2011 at Tokyo, Japan, election of the Board had been held and the office holders and members of the Board were elected for a term of four years vide resolution No. 4 of 2011; and that the term of the office holders and members of the Board as elected by the General Assembly expired on 24th November, 2015. Accordingly, in terms of Clause II Sub-Clause 2-1 and 2-2 of the Code of Conduct of the Association, the nominations for all offices on the Board were invited.

The meeting was further informed that the Executive Committee of the Board of Directors duly assisted by the Executive Secretary, vide Clause 2-6 of the Code of Conduct, was required to scrutinize the nomination papers and confirm the eligibility of the panel of candidates.

The nominations received were displayed on multimedia indicating the names of the nominees for various positions, the names of the proposers and seconders. It was mentioned that the arrangements for the election on 25th November, 2015, in the General Assembly Meeting, would be made by the executive staff of the AOA with the assistance of the host. It was also mentioned that the Board was required to forward the nomination papers to the Executive Committee for scrutiny as envisaged in Article 2-6 of the Code of Conduct of Business of the AOA and submission to the General Assembly meeting scheduled for 25th November, 2015.

The meeting reviewed the nominations that had been received from various countries and the names of the proposers and seconders. The meeting was of the view that the requisition set out in the Code of Conduct of the Association should be observed scrupulously. The AOA Secretariat was asked to indicate the actual dates of receipt of nominations for various positions and was also asked to produce the evidence which was duly scrutinized.

Decision

The Board considered the eligibility of the nominees and decided to forward the final list of nominees to the General Assembly for conducting the election of new Board of Directors.

Agenda Item No. 12

Approval of the Audit Report of AOA accounts for the year 2014.

Minutes

The Audit Report prepared by M/s W.A. Associates for the period 1st January to 31st December, 2014 was formally placed before the meeting by the Treasurer who explained various aspects of the Audit report of AOA accounts for the year 2014 and requested the meeting to approve the same.

Decision

The Board approved the audit report of AOA Accounts for the period 01-Jan to 31 December-2014.

Agenda Item No. 13

Approval of TORs of Manager (Coordination) in AOA Secretariat

Minutes

The meeting was informed that in the last meeting of the Board, it had been decided that more information on the work scope and duties was necessary to justify the creation of the post of

Manager (Coordination) in the AOA Secretariat and that the AOA Secretariat would draft the necessary document for the consideration of members.

The meeting was further informed that the AOA Secretariat had initiated the process and with the approval of President AOA circulated draft TORs of the post among the members of AOA BoD for their input/comments. It was stated that comments from some members had been received whereas response from other members was awaited.

The Board thoroughly discussed the draft TORs of Manager (Coordination) in AOA Secretariat and additions / amendments suggested by the various members. The Board observed that views/comments from the remaining members should also be obtained for reaching a decision and requested the AOA Secretariat to coordinate with the remaining members.

Decision

The Board recommended that the AOA Secretariat should prepare consolidated proposal on the basis of views/comments of all members and circulate the draft ToRs for Manager (Coordination) through e-mail to the AOA BoD and the General Assembly. No response, despite reminder, within 60 days, would be regarded as consent.

Agenda Item No. 14

MOU between AOA and IOI

Minutes

The meeting was informed that the MoU drafted by IOI had been amended by the Federal Ombudsman of Pakistan and circulated among all members of AOA BoD. However, the MoU could not get executed on account of the reservation of a member country on the likely inclusion of the name “Taiwan” in the said MoU. It was pointed out that the Federal Ombudsman of Pakistan had, therefore, proposed that the MoU should not have names of individual countries. Rather, it should be signed between the AOA and IOI.

The meeting was also apprised of the comments received from certain AOA member countries on the issue. However, the meeting observed that owing to the sensitivity of the issue, comments from all members should be obtained and more time given for a thorough examination of the issue by each member.

Decision

The Board decided that the agenda item be deferred for consideration and the Secretary of the BoD should accordingly inform the IOI in suitable terms.

Agenda Item No. 15

Approval of the arrangements for the 14th AOA Conference

Minutes

The meeting was informed that the Federal Ombudsman of Pakistan, the host of the 14th AOA Conference, had finalized the program/arrangements for the Conference. The details of the arrangements and the program were circulated to the members of the Board for consideration and approval.

Decision

The Board considered the proposed detailed arrangements and program for the conference as worked out by the AOA Secretariat and approved the same.

Agenda Item No. 16

Approval of the Memoranda and Agenda of the meeting of the General Assembly, scheduled for 25th November, 2015 at Islamabad, Pakistan.

Minutes

The Memoranda and Agenda for the General Assembly Meeting and other related essential documents were presented to the members of the Board who considered the same.

Decision

The Board considered and approved the Memoranda and Agenda and other related essential documents for the General Assembly Meeting.

Agenda Item No. 17

Consideration of proposals for hosting the 18th Board of Directors meeting in 2016 and 15th AOA Biennial Conference in 2017

Minutes

The meeting was informed that in the context of hosting the 18th Board Meeting in 2016 and 15th AOA Biennial Conference in 2017, it had earlier been decided to continue the persuasion and consultation process. Accordingly, the AOA Secretariat requested all members of the AOA to send by 15-9-2015 their proposal /offer to hold the subject events. The meeting was further informed that Administrative Evaluation Bureau, Japan had offered to hold the BoD meeting in

2016 whereas ACRC and Gwanwon-do Province Ombudsman, South Korea and Public Defender's Office of Georgia had offered to hold the AOA Biennial Conference in 2017.

The Board was requested to consider the matter and make its recommendations for the General Assembly meeting scheduled for 25th November, 2015.

Decision

The Board decided to accept the offer of the Administrative Evaluation Bureau, Japan to hold the BoD meeting in 2016 as well as the offer of ACRC and Gwanwon-do Province Ombudsman South Korea to jointly host the AOA Biennial Conference in 2017.

Agenda Item No. 18

Proposal to grant AOA Honorary Life Membership

Minutes

The meeting was informed that Hon'ble Chief Ombudsman of Thailand and President AOA, H.E. Prof. Siracha Vongsarayankura had proposed grant of AOA Honorary Life Membership to Mr. Alan N. Lai, Former Secretary of the AOA and Former Ombudsman of Hong Kong in view of his outstanding contribution to the AOA. The Board was apprised of the input and support provided by Mr. Alan N. Lai.

Decision

The Board considered and decided to grant AOA Honorary Life Membership to Mr. Alan N. Lai, Former Secretary of the AOA and Former Ombudsman of Hong Kong in recognition of his outstanding contribution for the AOA.

Agenda Item No.19

Proposal for Board members to finalize their decisions via electronic communication

Minutes

The meeting was informed that Hon'ble Chief Ombudsman of Thailand and President AOA, H.E. Prof. Siracha Vongsarayankura had proposed an arrangement among the Board members to finalize its decisions by means of electronic communication on a case to case basis. For instance, communication by electronic means launched by the AOA Secretariat should include a provision that after the proposal had been sent by e-mail to the AOA BoD followed by two reminders, yet no response/comment had been made within a reasonable period of time, it would

be regarded as the BoD's agreement to the proposal. The implications of the proposal were thoroughly discussed. It was opined that the electronic communication system to be adopted must be secure and reliable and obviate any possible misuse.

The Board was requested to consider the proposal and make its recommendation for the General Assembly meeting scheduled for 25th November, 2015.

Decision

The Board recommended that "after any proposal has been sent by AOA Secretariat through e-mail to the AOA BoD followed by two reminders and no response/comment is received within a reasonable period of time, it shall be construed as the BoD's agreement to the proposal. The Board also recommended for adoption of a secure and reliable system for the purpose of early finalization of its decisions, by means of electronic communication, by the General Assembly."

Agenda Item No.20

Amendments Proposed in Bye-laws

Minutes

The meeting was informed that during the 16th BoD meeting, it had, inter alia, been decided that AOA should in future focus on how to enhance cooperation and exchange information among members. Accordingly, the Federal Ombudsman of Pakistan, Federal Tax Ombudsman of Pakistan and Ombudsman of Azad Jammu & Kashmir had proposed certain amendments in the Bye-Laws and Code of Conduct of AOA.

Detailed working paper on the issue of amendments in the Bye-Laws was placed before the meeting. The meeting was informed that the Code of Conduct would stand amended accordingly if and when the amendments were approved by the AOA Board of Directors. The Board was requested to consider the working paper and make recommendations for the General Assembly.


Some members were of the view that owing to the sensitivities of the issue, more time was needed to allow the members to have an in-depth examination and analysis of the implications of the proposed amendments.

Decision


The Board decided that the agenda item be deferred for subsequent circulation to the newly elected members of the Board for their comments within 60 days through electronic means; and

making final recommendations for a decision by the General Assembly by circulation electronically. No response by the fixed date (deadline) would be considered as consent.


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