



Regional Technical Assistance Report

Project Number: 42081
June 2008

Strengthening the Asian Ombudsman Association

Asian Development Bank

ABBREVIATIONS

ADB	–	Asian Development Bank
AOA	–	Asian Ombudsman Association
CWGF	–	Central and West Asia Governance and Finance Division
DMC	–	developing member country
IDR	–	integrity development review
TA	–	technical assistance

TECHNICAL ASSISTANCE CLASSIFICATION

Targeting Classification	–	General intervention
Sector	–	Law, Economic Management and Public Policy
Subsector	–	Law and judiciary
Themes	–	Governance, regional cooperation, capacity development
Subthemes	–	Anticorruption, regional public goods, institutional development

NOTE

In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. A key element of good governance is the accountability of government officials. Ombudsman offices and similar institutions of accountability play an important role in protecting citizens by addressing grievances arising from maladministration (such as unnecessary delays, failure to follow proper procedures, negligence, and improper service) by public officials.¹ While ombudsman institutions have been established in a number of Asian countries, including developing member countries (DMCs) of the Asian Development Bank (ADB), sustaining well functioning ombudsman institutions poses ongoing challenges.

2. The Asian Ombudsman Association (AOA) was established in 1996 to provide a platform for cooperation, knowledge sharing, and capacity building among ombudsman institutions in Asia.² AOA seeks to (i) encourage the development of ombudsman institutions; (ii) develop professionalism of ombudsman staff; (iii) encourage and support the study and research of ombudsman's offices; (iv) sponsor training and educational programs for ombudsman institutions; (v) collect, store, analyze, and disseminate information and research data about ombudsman institutions; and (v) facilitate the exchange of information and experience among ombudsmen in Asia.³ The AOA is funded by its members and is located in Islamabad, Pakistan. Currently, the AOA has 23 institutional members from 15 Asian countries, including Azerbaijan; Hong Kong, China; India; Indonesia; Japan; the Kyrgyz Republic; the Republic of Korea; Malaysia; Pakistan; the People's Republic of China; the Philippines; Sri Lanka; Thailand; and Viet Nam. The AOA is governed by a nine-member board of directors—the *Wafaqi Mohtasib* (Federal Ombudsman) of Pakistan serves as the president. The AOA Secretariat oversees AOA operations, including maintaining and updating the AOA website.

3. The principal source of AOA funding is membership fees, which are insufficient to enable AOA to effectively fulfill its mandate. As a result, interaction among AOA members is limited. To facilitate more frequent exchange of ideas, knowledge, expertise, and experience among its members, and to attract new members, a more sustainable business model is needed. In furtherance thereof, in December 2006 the AOA board of directors voted to upgrade the AOA Secretariat into a resource center. To help establish the center, AOA requested ADB to provide technical assistance (TA). This TA paper outlines the purpose and output, methodology and key activities, cost estimates and financing plan, and implementation arrangements.⁴ The design and monitoring framework is in Appendix 1.

¹ Ombudsman institutions generally have the power to diagnose, investigate, and redress injuries suffered to a person through maladministration by government officials. The objective is to institutionalize a system for enforcing administrative accountability. Through a number of initiatives, ADB is supporting, and has supported, ombudsman institutions in the region. ADB. 2001. *Technical Assistance to the Islamic Republic of Pakistan to Support Access to Justice*. Manila (TA 3823, approved on 20 December, for \$900,000); ADB. 2007. *Technical Assistance to the Islamic Republic of Pakistan to Support Governance Reforms in Pakistan*. Manila (TA 4922, approved on 7 March, for \$11.5 million); ADB. 2002. *Technical Assistance to Thailand for Strengthening Accountability Mechanisms*. Manila (TA 3976, approved on 5 November, for \$150,000); ADB. 2007. *Technical Assistance to Nepal to Support Anti-Corruption Institutions*. Manila (TA 4962, approved on 30 August, for \$400,000); ADB. 2007. *Report and Recommendations of the President to the Board of Directors on a Proposed Loan and Technical Assistance Grant to Bangladesh to Support Good Governance*. Manila (Loan 2362, approved on 30 October, for \$150 million).

² The idea to form the AOA was raised in 1995 during a meeting of the board of directors of the International Ombudsman Institute (IOI), an organization based in Canada, with broad international membership. IOI suggested a regional body for promoting the principles and practices of ombudsman be organized in Asia. Subsequently, Pakistan, supported by the People's Republic of China, took the initiative to establish the AOA. Currently, there are only a few ombudsman institutions in Asia that belong to both organizations (Hong Kong China, Indonesia, Thailand, and Pakistan).

³ See AOA website at <http://www.aoa.org.pk>

⁴ The TA first appeared in the business opportunities section of ADB's website on 24 April 2008.

II. ISSUES

4. For ombudsman institutions to be effective they need to be independent, possess sufficient powers to address citizen complaints of maladministration by government officials, and their staff need to have sufficient capacity to effectively perform their duties. Specifically, staff need exposure to international best practices, including skills needed to handle complaints, conduct investigations, and resolve allegations of government maladministration. Efforts of AOA member institutions, particularly those that are newly established, to address their knowledge and capacity gaps are hampered by the lack of exposure to lessons learned in other countries where ombudsman institutions have gone through similar stages. In the absence of international interactions, most of the new ombudsman institutions engage in ad hoc and fragmented capacity enhancements that result in poor and unresponsive ombudsman services.

5. AOA, an independent and nonpolitical body, was established to provide much-needed training and capacity enhancement to its members. However, funding constraints currently limit AOA's ability to effectively fulfill this role. AOA annual board meetings and conferences have a limited target audience, since their participants are generally heads of the member institutions. In addition, AOA does not conduct any capacity-building activities at lower tiers of ombudsman institutions, particularly among those responsible for core functions such as investigation and processing of complaints. Consequently, AOA members seeking to improve their grievance redress mechanisms and service-delivery through peer-to-peer learning and other collaborative activities are not able to do so through AOA.

III. THE TECHNICAL ASSISTANCE

A. Impact and Outcome

6. The TA aims to strengthen the AOA to enable it to help provide capacity development in member institutions, enabling them to become more efficient and responsive in their operations. It will support the establishment of an AOA resource center to facilitate a systematic exchange of ideas, experiences, and best practices, and provide well structured capacity-building programs for member institutions. As AOA is strengthened, it may expand its membership by attracting ombudsmen in other Asian countries.

7. The impact of the TA will be improved governance and accountability mechanisms in AOA member countries. In the long run, improved government accountability and ability to undertake corrective action will reduce corruption, inefficiency, and the cost of doing business that adversely impacts economic growth in these countries. The outcome of the TA will be a more effective and efficient AOA.

B. Methodology and Key Activities

8. The TA will support the establishment of a resource center within AOA, the primary objective of which will be to support the operations of member institutions through effective knowledge management, dissemination, and capacity development. Establishment of the resource center will take place in two phases.

1. Phase 1

9. This phase involves preparatory work, including preparation of background surveys to clarify the demand for AOA services, development of a medium-term work plan and budget for AOA, and adoption of a new business model for AOA.

10. **Survey Among AOA Members That are DMCs.** The TA will support preparation of a survey among AOA members that are DMCs to clarify their capacity constraints,⁵ ongoing and planned reform initiatives, development partner support for implementation, and the potential role of AOA in addressing gaps in support, if any. ADB support for AOA member institutions in each participating DMC will be highlighted.

11. **Survey of Regional Best Practices.** The TA will support a survey of reform initiatives undertaken by Asian ombudsman institutions that effectively address citizen complaints. Lessons (along with related performance indicators) will be highlighted to track the status of reform initiatives. The survey will also include a comparison of the role of ombudsmen in Asian countries.

12. **Work Plan and Business Model.** Based on the survey results, a draft work plan will be prepared, identifying potential knowledge products, knowledge-sharing activities, capacity-building activities, expansion of the e-library, and other initiatives⁶ to be supported by AOA, along with a medium-term budget to fund such activities.

13. Based on initial discussions with AOA, the work plan is envisioned to support the preparation of five knowledge products. The proposed topics are (i) important cross-cutting components of specific interventions, (ii) service delivery, (iii) new members and their institutional development, (iv) the role of civil society in grievance redress, public awareness about rights of citizens, and improving access to ombudsman services, and (v) important emerging service-delivery models, such as public-private partnerships and the use of information technology for improving the quality of, and access to, ombudsman services. To the extent possible, the studies and assessments should complement ongoing and planned reform initiatives in AOA DMC member institutions. The work plan may also support links with academic and research institutions on the development of a working paper series to further deepen knowledge on ombudsman services and activities.

14. The work plan is also envisioned to support the following.

- (i) Organization of, and participation in, conferences, seminars, and workshops on a selective but focused basis. These may be related to (a) governance issues and freedom of information; (b) knowledge enhancement in operational areas; and (c) other areas of strategic focus of AOA members.

⁵ Depending on the availability of resources, the survey may also include other DMC ombudsman institutions which are not currently AOA members (e.g., Bangladesh and Nepal). AOA will cover the cost of conducting the survey in other non-DMC AOA member countries.

⁶ The work plan may also include new initiatives based on the survey of regional best practices. For example, one new initiative that will be considered is the development of a new framework to help AOA member institutions conduct integrity development reviews (IDRs) in government agencies. The IDRs will help to clarify vulnerabilities. The IDR initiative is based on a successful model developed and being implemented by the Office of the Ombudsman of the Philippines. The IDR builds on the Corruption Resistance Review developed by the Independent Commission Against Corruption of New South Wales and the Corruption Vulnerability Assessment tool developed by the Office of Management and Budget of the United States. The IDR aims to build institutional foundations to prevent corruption before it occurs. Another initiative may be the development of an index to track the effectiveness and efficiency of ombudsman institutions in the region.

- (ii) Several AOA meetings and retreats to facilitate interaction and knowledge sharing with member institutions. These meetings and retreats should be geared towards second- and third-tier staff in member institutions and revolve around themes central to effective operations and efficient service delivery.
- (iii) Selective and focused study tours to encourage cross learning and peer-to-peer interaction. The study tours should (a) facilitate understanding of the design and implementation of successful practices, procedures, and policies in addressing maladministration; and (b) provide a venue for scoping new initiatives for improving ombudsman services. The identification of the study tours should be based on the survey of regional best practices and the study tours should assist participants develop an action plan on how to implement these practices in their local ombudsman institutions.
- (iv) Staff exchange program, under which ombudsman staff from a DMC AOA member may participate in an exchange with an ombudsman in another Asian ombudsman institution. The TA may fund 3–4 exchanges per year. The exchanges aim to (a) contribute to capacity building in participating member institutions, (b) develop closer and long-lasting relationships among Asian ombudsman, (c) develop professional and technical skills and expertise of the staff exchange program participants, and (d) foster cultural exchange and diversity. Objective criteria for choosing candidates to participate in these exchanges shall be clearly set forth in the work plan, along with a strategy for knowledge sharing by participants to help institutionalize new skills and expertise.
- (v) Capacity-building initiatives on various aspects of the operations of member institutions, including (a) complaint management; (b) improving access to information and services of the member institutions; (c) improving the tracking of complaints through the justice system; (d) developing performance-based indicators; and (e) developing new business processes, procedures, and systems to improve efficiency.

15. To facilitate online access of AOA members to the latest news, knowledge products, and information on relevant issues, the work plan will include the upgrade of the AOA website to become a more effective information portal.

16. Based on the proposed work plan activities, a draft business model and financing strategy will be developed to enable the AOA to sustain its knowledge management and capacity-building activities over the medium term. To reduce the potential for duplication and focus on developing AOA's niche, the work plan will review similar activities conducted by other ombudsman associations and the costs and benefits of collaboration. The draft work plan and business model will be submitted to ADB for comment prior to finalization.

2. Phase 2

17. After the work plan has been finalized and approved by AOA, phase 2 will support implementation, specifically (i) funding specific knowledge products and capacity-building activities identified in the work plan, (ii) updating the status of the work plan, and (iii) finalizing outputs developed thereunder.

C. Cost and Financing

18. The total estimated TA cost is \$900,000 equivalent. It will be financed on a grant basis by ADB's TA funding program. Details of the cost estimates and financing plan are in Appendix 2.

D. Implementation Arrangements

19. The TA will be implemented over 2 years from July 2008 to June 2010. ADB will be the Executing Agency and the Central and West Asia Governance and Finance Division (CWGF) will implement the TA in close collaboration with AOA. ADB support will be limited to ombudsman institutions in ADB DMCs. An ADB committee—comprising one staff member from each of CWGF, other operational departments which have AOA members,⁷ the Regional and Sustainable Development Department, and the Office of the General Counsel—will be constituted to ensure quality control during the TA implementation.

20. The AOA board will provide overall policy and strategic guidance for the activities of the resource center. The AOA board will form an advisory committee for knowledge management, headed by a board member selected by the board.⁸ The advisory committee shall determine criteria for the selection of candidates for study tours and secondments, adopt the workplan, interact regularly with ADB, and help identify consultants under the TA. The advisory committee will meet at least once every 4 months, will report to the AOA board, and will be responsible for evaluating activities under the TA. The AOA resource center will implement the TA and oversee the preparation of TA outputs, including a performance monitoring framework. A program manager for the resource center will be designated by the AOA Secretariat, with the overall responsibility for ensuring the achievement of the resource center strategic directions, and to facilitate coordination and involvement of all AOA members.

21. No activities financed under the TA may be held in a DMC unless ADB receives a no-objection letter from such DMC.

22. The TA will require 7 person-months of international experts and 28 person-months of national consulting services. Of the national consultants, one will be engaged on a long-term basis to provide inputs to enhance the effectiveness of the resource center. All consultants will be hired as individual consultants according to ADB's *Guidelines on the Use of Consultants* (2007, as amended from time to time). Equipment will be procured through the shopping method according to ADB's *Procurement Guidelines* (2007, as amended from time to time). The outline terms of reference for the consultants are in Appendix 3.

IV. THE PRESIDENT'S DECISION

23. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance not exceeding the equivalent of \$900,000 on a grant basis for Strengthening the Asian Ombudsman Association, and hereby reports this action to the Board.

⁷ Southeast Asia Governance Finance and Trade Division; South Asia Government Finance and Trade Division; and East Asia Country Coordination, Regional Cooperation, Governance, Finance and Trade Division.

⁸ The advisory committee will comprise (i) the executive secretary of the AOA, (ii) the program manager designated for the resource center, and (iii) four members of the AOA other than board members.

DESIGN AND MONITORING FRAMEWORK

Design Summary	Performance Targets and/or Indicators	Data Sources and/or Reporting Mechanisms	Assumptions and Risks
<p>Impact Improved governance and accountability in AOA member countries.</p>	<p>Improvement in performance in World Bank governance indicators for ombudsman institutions in AOA member countries.</p> <p>Improved public perception of ombudsman institutions in AOA member countries.</p>	<p>AOA annual reports</p> <p>Annual reports of Asian ombudsman institutions</p> <p>World Bank governance indicators</p>	<p>Assumptions AOA knowledge sharing and capacity-building activities are sustained beyond TA implementation period</p> <p>AOA member institutions remain committed to reform</p> <p>Risks Vested interest within countries limit ombudsman activities</p> <p>Weak absorptive capacity of AOA member institutions.</p>
<p>Outcome More effective and efficient AOA that is able to provide better services to its member.</p>	<p>AOA to engage in more knowledge sharing and capacity-building activities.</p> <p>Increased participation of functional staff of AOA member organizations in AOA capacity-building programs.</p> <p>Improved knowledge and expertise in staff of AOA member institutions.</p>	<p>AOA annual report</p> <p>Annual reports of member ombudsman institutions</p> <p>Review missions</p> <p>Impact assessments</p> <p>Case studies</p> <p>Minutes of AOA advisory committee meetings</p>	<p>Assumptions Knowledge and training gained from AOA is institutionalized in member institutions</p> <p>Member institutions accept assessments done by AOA</p> <p>AOA knowledge dissemination program is effective</p> <p>Risks Staff movements negate capacity-building efforts</p> <p>Staff resistance to change</p>

Design Summary	Performance Targets and/or Indicators	Data Sources and/or Reporting Mechanisms	Assumptions and Risks
<p>Outputs</p> <ol style="list-style-type: none"> 1. Approved AOA medium-term work plan and implemented business model 2. AOA knowledge products utilized by members 3. AOA members access information through knowledge sharing mechanisms 4. AOA managed targeted capacity-development activities improve member operations 	<p>Five studies and/or assessments completed</p> <p>Three working papers completed</p> <p>Enhancement of AOA website including ongoing regional comparisons of the effectiveness of AOA members in addressing maladministration</p> <p>Organization of conferences and meetings</p> <p>Completion of study tours</p> <p>Nine staff exchange programs completed</p> <p>Four completed training courses for staff of AOA member institutions</p> <p>Functional e-library established along with plans to update</p>	<p>AOA annual report</p> <p>Annual reports of member ombudsman institutions</p> <p>Copies of knowledge products</p> <p>Agenda and minutes of AOA meetings</p> <p>Training reports</p> <p>AOA website usage reports</p> <p>ADB review missions</p> <p>TA progress reports</p>	<p>Assumptions</p> <p>Member institutions send staff with sufficient background knowledge to participate in AOA training programs.</p> <p>Resource persons with required expertise are available</p> <p>Risk</p> <p>Heavy workload prevents member institutions from sending staff for training</p>
<p>Activities with Milestones</p> <ol style="list-style-type: none"> 1.1 Draft survey of AOA DMC members prepared and submitted to ADB for review (September 2008) 1.2 Survey finalized (October 2008) 2.1 Draft regional best-practice survey prepared and submitted to ADB (September 2008) 2.2 Draft regional best-practice survey finalized (October 2008) 3.1 Draft work plan prepared based on surveys submitted to ADB for review (November 2008) 3.2 Work plan finalized (November 2008) 3.3 Quarterly updates of work plan submitted to ADB for comment (February 2009/2010, June 2009/2010, October 2009) 3.4 Updates finalized (February 2009/2010, June 2009/2010, October 2009) 3.5 Draft final report on work plan submitted to ADB (April 2010) 3.6 Final report approved (May 2010) 4.1 Knowledge products prepared (January 2009 – March 2010) 			<p>Inputs</p> <p>ADB: TA of \$900,000</p> <ul style="list-style-type: none"> • 7 person-months of international and 28 person-months of national consulting services • knowledge products • knowledge sharing and capacity building • e-library

<p>Activities with Milestones</p> <p>4.2 Knowledge products disseminated (March 2009 – June 2010)</p> <p>5.1 Budgets and agendas for AOA conferences, seminars, meetings, workshops, and retreats submitted to ADB for approval (December 2008 – January 2010)</p> <p>5.2 AOA conferences, seminars meetings, workshops, and retreats held (January 2009 – March 2010)</p> <p>5.3 Study tours organized, list of participants given to ADB before finalization (February 2009 – February 2010)</p> <p>5.4 Study tours implemented (March 2009 – May 2010)</p> <p>5.5 Staff exchange programs, including names of participants, proposed to ADB (February 2009 – February 2010)</p> <p>5.6 Staff exchange programs launched (March 2009 – May 2010)</p> <p>5.7 Budget, agenda, and list of participants for other capacity-building programs submitted to ADB (February 2009 – February 2010)</p> <p>5.8 Capacity-building programs launched (March 2009 – May 2010)</p> <p>5.9 Publish reports on capacity-building programs (May 2010)</p> <p>5.10 Design e-library within AOA website (June 2009)</p> <p>5.11 Populate e-library with electronic material (August 2009 – May 2010)</p> <p>5.12 Launch e-library (September 2009)</p>	
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ADB = Asian Development Bank, AOA = Asian Ombudsman Association, DMC = developing member country, TA = technical assistance.

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COST ESTIMATES AND FINANCING PLAN
(\$'000)

Item	Total Cost
Asian Development Bank (ADB) Financing^a	
1. Consultants	
a. Remuneration/Honoraria and Per Diem	
i. International	175.0
ii. National	155.0
b. International and Local Travel	75.0
c. Reports and Communications	50.0
2. Equipment and Software	30.0
3. Trainings, Seminars, and Conferences ^b	305.0
4. Miscellaneous Administration and Support Costs	10.0
5. Contingencies	100.0
Total	900.0

^a Financed by ADB's technical assistance funding program.

^b Includes training programs, study tours, secondment, staff exchange program, conferences, seminars, workshops, meetings, retreats, and all related expenses (travel).

Source: ADB estimates.

OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

A. International Consultants

1. Ombudsman Expert (4 person-months)

1. An international expert with substantial experience working with ombudsmen in both developed and developing countries in Asia will be recruited to help the Asian Ombudsman Association (AOA) conduct the surveys on regional ombudsmen and regional best practices, develop the draft work plan and related budget, and new business model. He or she will undertake the following tasks.

- (i) Work closely with the national knowledge management expert and country experts, if needed.
- (ii) Assist AOA in circulating the draft surveys to participating AOA members, other Asian Ombudsman institutions, the AOA advisory committee, and the Asian Development Bank (ADB), for comment and in addressing their comments before finalizing the drafts.
- (iii) Work closely with AOA to prepare a draft work plan along with a proposed budget and timetable for completing the surveys, work plan, and new business model, for review by the AOA advisory committee and ADB.
- (iv) Participate in workshops and consultations on the surveys, work plan, and new business model.

2. Short-Term Experts (3 person-months total)

2. The technical assistance (TA) will require the services of short-term experts who have significant experience in subjects of AOA training programs. The short-term experts will work closely with national experts (train the trainers) and have the following responsibilities.

- (i) Design and develop training programs and prepare corresponding detailed outlines.
- (ii) Collate and prepare materials for participants.
- (iii) Conduct training programs.
- (iv) Prepare reports on activities during the training program, including participant profiles, responses and outcomes, lessons learned, overall impressions, evaluation of the program in relation to the objectives, and remaining issues and suggestions for possible follow-up activities.

B. National Consultants (28 person-months total)

1. Long-Term Project Manager and Knowledge Management Expert (20 person-months)

3. A long-term project manager and knowledge management consultant will provide inputs to enhance the effectiveness of the knowledge management resource center on a continuous basis. The consultant will have substantial experience in the area of public governance and anti-corruption and in managing projects. He or she will have the following responsibilities.

- (i) Work closely with the ombudsman expert on the surveys, work plan, and new business model, and oversee finalization.

- (ii) Provide inputs and oversee implementation of work plan activities, including expansion of the e-library, upgrade of the AOA website, and knowledge products and capacity-building activities.
- (iii) Prepare background material for dissemination and capacity-building events and feedback on the effectiveness of capacity enhancement strategies being used, along with real-time suggestions.
- (iv) Support administration of the TA, including organization and implementation of workshops, preparation of a project work plan, development of terms of reference for country experts, oversight of consultant deliverables, and submission of quarterly reports on TA implementation, which will clarify the status of work plan implementation.

2. Country Experts (8 person-months)

4. Country experts will be hired on a needs basis to implement tasks under the work plan. Proposed terms of reference for the short-term consultants will be proposed by AOA and reviewed by ADB.