

**Asian Development Bank
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Strengthening the Asian Ombudsman Association**

The Role of Ombudsman in Improving Public Service Delivery in Pakistan

Scoping Paper for Ombudsman Knowledge Product

by

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Table of Contents

	<u>Page No.</u>
I. INTRODUCTION	1
I.A. Introduction to the TA	1
I.B. Introduction to Pakistan Knowledge Product	1
II. METHODOLOGY	2
II.A. Methodology for a Stand-alone Annex	2
II.B. Methodology for the Main Product	2
II.C. Report Contents	3
III. TIMETABLE AND RESOURCES	4
III.A. Timetable	4
III.B. Knowledge Product Author and Management	4
III.C. Sources of Information	4
ANNEXES	
I. Profile of Author	6

I. INTRODUCTION

A. Introduction to the TA

1. The Asian Development Bank (ADB) is supporting the Asian Ombudsman Association (AOA)¹ through a regional technical assistance (TA) grant to facilitate capacity development in its member institutions and enable them to become more efficient and responsive in their operations. To promote the concept of ombudsmanship to improve service delivery in Asia, the TA includes the preparation and publication of knowledge products that examine important policy and operational issues in a regional context. Six knowledge products will be produced, including five on Asia and one (with a stand-alone annex) on Pakistan.

2. The outline and methodology for each product has to be proposed by the Knowledge Product Author, within the scope and resources stipulated by the ADB. A draft report is expected from the author and will be reviewed by the TA Team. Subsequently, a pre-final draft together with a presentation based on it will be discussed at a regional conference in Manila. The product will be finalized after the conference taking into account the discussion that takes place. The process is expected to be initiated by 20 January and concluded by 3 June 2010.

B. Introduction to Pakistan Knowledge Product

3. The proposed product is on The Role of Ombudsman in Improving Public Service Delivery in Pakistan. This would entail desk-based as well as field research. It would be evaluative in terms of methodology and focus on the Federal and Provincial Ombudsmen². In other words, it would not include the single-mandate ombudsmen. These ombudsmen are concerned with taxation, which is not about service delivery, and banking and insurance, which are for-profit industries rather than public institutions for service delivery.

4. In a broad sense, of course, much can be construed as service delivery, including utilities (such as electricity, gas and telephones) in the public or private sector, services provided by the state for security and justice, and services provided by the private sector for all the needs of life. For the purposes of this product, however, services would mean services provided by the line agencies, public sector utilities and other organizations that are within the purview of the Federal and Provincial Ombudsmen.

5. A stand-alone annex is also proposed here in view of interests communicated by the TA Team. This annex would describe two sets of institutional relationships:

- (a) one between the Federal and Provincial Ombudsmen on the one hand and the single-mandate ombudsmen on the other. The latter group consists of the Federal Tax Ombudsman, the Banking Mohtasib and the Insurance Mohtasib; and,
- (b) the other between the Federal and Provincial Ombudsmen and other complaint-handling mechanisms. The latter may be based in relevant regulatory bodies and also, at a lower level, in the service delivery (line) agencies.

6. The proposed annex is intended essentially as a basic institutional mapping exercise. It would aim to identify who does what in the area of complaint-handling in public service delivery institutions. This may be simple to describe when the roles and responsibilities of the Federal and Provincial Ombudsmen are compared with the single-mandate ombudsmen identified above, as indicated in paragraph 5(a). In relation to paragraph 5(b), however, the picture may be more complicated if a degree of duplication is found between one level of complaint-handling and another, or if gaps are found in terms of coverage of important sectors³. Thus, issues of lack of coverage, duplication and integration may be important for the annex, and these would be reflected in appropriate manner in the main body of the report.

7. The preliminary assessment, subject to review and elaboration during the study, is that:

¹ The AOA is currently chaired by the Federal Ombudsman (Wafaqi Mohtasib) of Pakistan.

² There are three Provincial Ombudsmen, in Balochistan, Punjab and Sindh.

³ The term "sectors" is used broadly and could include the line departments, utilities, police and local government.

- (a) There is no overlap between the Federal and Provincial Ombudsman, or between any of them and the three single-mandate ombudsmen.
- (b) There is significant overlap between regulatory bodies (particularly OGRA and NEPRA) and the Federal Ombudsman.
- (c) Best practice (including a number of regulatory bodies in Pakistan) does not suggest that regulatory bodies should handle individual complaints. They may, however, entertain complaints about regulatory matters.

II. METHODOLOGY

A. Methodology for a Stand-alone Annex

8. Research for this annex would be desk-based. It would aim to answer the following key questions:
- (a) What sectors and services are covered by the mandates of the ombudsmen institutions? Is there any overlap across these institutions?
 - (b) Are there any gaps in the coverage of public service delivery, especially in comparison with regional (Asia-Pacific) good practice?
 - (c) Is there overlap/duplication between the ombudsmen institutions and the regulatory and service delivery institutions in terms of complaint-handling? Are there provisions for coordination or division of authority?
9. The data base for the annex would consist of the following:
- (a) the foundation documents (including statutes) of all ombudsmen institutions;
 - (b) the statutes establishing the regulatory bodies concerned with public service delivery; and,
 - (c) the laws and provisions for filing complaints to public service delivery organizations.

B. Methodology for the Main Product

10. Analysis for the main product would revolve mainly around two standard evaluation criteria, namely, relevance and effectiveness, and also, in a limited way, look at efficiency. These concepts may be introduced as follows:

- (a) Relevance assesses whether an institution's objectives are focused on the right priorities, especially in view of what is considered important for complaint-handling in regional good practice ombudsmen institutions.
- (b) Effectiveness is a measure of whether an institution has achieved what it has been designed to do. It is assessed by reviewing how well the objectives have been achieved.
- (c) Efficiency, in general, is defined as the extent to which an institution has achieved benefits commensurate with inputs, based on economic and financial analysis or unit costs compared with alternative options and good practices. The proposed product, however, would limit the analysis of efficiency to the rate and timeliness of action on complaints, for which relevant data are available.

11. Discussion of underlying factors and processes that facilitate or constrain effectiveness and efficiency is integral to the methodology. It is expected that issues such as the following would emerge during the analysis:

- (a) Is there strong political will in support of the ombudsman?
- (b) How independent is the ombudsman relative to best practices in similar institutions?⁴

⁴ Independence may be assessed in terms of: how the ombudsman is appointed, removed and sanctioned; his/her reporting lines for administrative and other aspects of management; the financial autonomy of the ombudsman; his/her independence in managing human resources; freedom to obtain and disclose information; and other relevant factors present in best practice institutions.

- (c) Does an ombudsman have service standards, performance indicators, standard formats and appropriate information technology?
- (d) Is it supported by appropriate human resources and professional development?
- (e) Is the ombudsman capacitated to address systemic issues that lead to widespread and recurring problems in service delivery?
- (f) How effectively are the mass media engaged in creating awareness about the ombudsman?
- (g) Is there effective engagement with civil society?

12. For assessing effectiveness and efficiency, data would be obtained from:

- (a) the annual reports of the Federal and Provincial Ombudsmen⁵;
- (b) field work focusing on ombudsman offices in Islamabad, Lahore, Karachi and Quetta, based on checklists that will be developed as part of a detailed methodology; and,
- (c) case studies from the Federal and Provincial levels that illustrate national best practice⁶.

13. Two donor-assisted projects within the Federal Ombudsman's office will also be reviewed. These are a UNICEF-assisted project, in which the focus is on complaints dealing with children, and a UNDP-assisted project, which supports various aspects of capacity development.

14. Data for assessing relevance are expected to come from the foundation documents of the ombudsman institutions and comparisons with regional good practices. A web search is now underway for foundation documents and good practices. The TA paper "Assessing the Capacity Development Needs of the Asian Ombudsman Association and its Members" contains examples of regional good practices and innovative measures as well as several useful references to the literature.

C. Report Contents

15. An annotated outline for the product would be submitted with a more detailed methodology (including checklist for field work) by the due date. The outlines would expand upon the following elements which the ADB feels are necessary for ensuring uniformity in terms of style among the knowledge products:

- (a) Abstract – a summary of the paper in 300 words or less.
- (b) Table of contents
- (c) Introduction – presentation of the focus of the paper with a description of how this will be developed; it should also state how the study will promote the concept of ombudsmanship, encourage its development in Asia; and help develop professionalism in the discharge of the functions as ombudsman
- (d) Body of the Paper
- (e) Conclusion
- (f) References or Bibliography – listing of the sources and scholarly literature which are cited in the paper, with complete bibliographical information on each item.

III. TIMETABLE AND RESOURCES

A. Timetable

16. The Ombudsman Knowledge Product Authors are expected to submit the following outputs, and participate in a regional conference in Manila on 20-21 May 2010:

⁵ Annual reports are available on the web for the Federal Ombudsman for 2008 and for the Provincial Ombudsmen of Punjab and Sindh for 2008 and 2006, respectively, but not for Balochistan. This may indicate the difficulty of obtaining the latest data from relevant institutions.

⁶ The 2008 Annual Report of the Wafaqi Mohtasib and the 2006 Annual Report of the Sindh Ombudsman contain several interesting cases that can be further developed after discussion with relevant officers. The 2008 Annual Report of the Punjab Ombudsman contains a large number of problem-specific insights, for which corresponding case studies would also be known to the officers concerned.

- (a) Proposed outline and methodology on 15 February 2010
- (b) Initial draft of the paper on 15 April 2010
- (c) Pre-final Draft and Conference Paper on 8 May 2010
- (d) Presentation Materials on 14 May 2010
- (e) Final Paper on 3 June 2010

B. Knowledge Product Author and Management

17. The ADB is expected to provide a lumpsum amount for covering the fee and out-of-pocket expenses for the assignment. The Knowledge Product Author is an experienced development consultant with a record of research and publication in governance and other sectors (a one-page profile of the author is attached for inclusion in the proposed conference paper). He will be assisted in his work by two colleagues from his firm, namely:

- (a) Mr Adnan Aslam, who will be responsible for web-based research and related analysis; and,
- (b) Ms Mahe Nau Haider, who will assist with field research and analysis.

C. Sources of Information

18. Offices of the Federal and Provincial Ombudsman:

- Wafaqi Mohtasib's Secretariat, Benevolent Fund Building, Zero Point, Islamabad. Tel: (051) 925 2391-4.
- Provincial Ombudsman Punjab, 2 Bank Road, Lahore. Tel: (042) 921 1780.
- Sindh Provincial Ombudsman Secretariat, Shahrah-e-Kemal Ataturk, Karachi. Tel: (021) 921 1031 and 921 1026.
- Provincial Ombudsman Balochistan, Block 10, Civil Secretariat, Quetta. Tel: (081) 920 1827.

19. Websites:

- Wafaqi Mohtasib: www.mohtasib.gov.pk. Annual reports: <http://www.mohtasib.gov.pk/site/publications/Annual-Reports-2008.pdf>.
- Provincial Ombudsman Punjab: www.ombudsmanpunjab.gov.pk. Annual reports: http://www.ombudsmanpunjab.gov.pk/user_files/File/AnnualReport2008.pdf
- Provincial Ombudsman Sindh: www.mohtasibsindh.gov.pk. Annual reports: http://mohtasibsindh.gov.pk/wcms/contents/documents_download.php?id=11
- Provincial Ombudsman Balochistan: Not available. Annual reports: Not available.

20. Foundation documents:

- Asian Ombudsman Association: Bye-Laws of the Asian Ombudsman Association (Amended up to 29 April 2004)
- Wafaqi Mohtasib (Federal Ombudsman): President's Order No. 1 of 1983
- Provincial Ombudsman of Balochistan: Balochistan Ordinance No. VI of 2001
- Ombudsman of Azad Jammu & Kashmir (AJK): Act No. XIV of 1992
- Ombudsman of Punjab: Punjab Ordinance No. XI of 1996
- Provincial Ombudsman of Sindh: Sindh Act No. 1 of 1992
- Federal Tax Ombudsman: Ordinance No. XXXV of 2000
- Federal Insurance Ombudsman: Ordinance No. XXXIX of 2000

21. Literature on best practices, including:

- ADB RETA Paper, "Assessing the Capacity Development Needs of the Asian Ombudsman Association and its Members," October 2009.
- ADB, Elements of Good Governance, (2004).

- Public Grievance Redress: Laws, Procedures Mechanism in Pakistan, Insaaf Series (2005).
- Kaufmann, D., et al., Governance Matters VIII: Aggregate and Individual Governance Indicators (1996 – 2008), World Bank Development Research Group (June 2009).
- Rief, Linda C., The Ombudsman, Good Governance and International Human Rights System (2004).
- Website of the Office of the Ombudsman, Toronto City: <http://www.ombudstoronto.ca/history-ombudsman>.
- Website of the US Ombudsman Association (USOA): <http://www.usombudsman.org/>
- Website of the Australian and New Zealand Ombudsman Association Inc. (ANZOA): <http://www.anzoa.com.au/about.html>
- Governance: Sound Development Management, <http://www.adb.org/Documents/Policies/Governance/default.asp?p=policies>.
- Citizen Report Card: <http://www.citizenreportcard.com>.
- Public Affairs Center, Bangalore, *Citizen Report Card (video)*, 23 minutes, undated.

Annex I: Profile of Author

Tariq Husain is Managing Director of Enterprise & Development Consulting (Private) Limited (EDC), Islamabad, and has worked in the field of development for 28 years, including 21 years as a consultant. The central theme in his work is people-centered development—organizing people to do more for themselves, enabling private and public agencies to engage people in decision-making, and advocating humane approaches in all walks of life. He has expertise in mobilizing resources, evaluating their impact, helping institutions adapt to change, and institutionalizing change in line with international standards. Mr Husain is the author of 15 international publications and more than 30 published articles on national issues, and former member of the UNDP’s Gender Advisory Panel for Asia-Pacific.

Institutional Experience Employment experience with the Ford Foundation and the Aga Khan Rural Support Program. Consulting experience with organizations in the international development community, including the World Bank, ADB, UNDP, IFAD, International Wheat and Maize Improvement Center, International Center for Integrated Mountain Development, IUCN—The World Conservation Union, International Institute for Environment and Development, International Water Management Institute, Regional Community Forestry Training Center (Bangkok) and the Mekong River Commission Secretariat; the bilateral aid agencies of Switzerland, United States, Britain, Netherlands, Norway, Japan, Canada and Germany; national planning agencies, development projects, NGOs, multinationals and international consulting firms.

High-level Contributions Two national reports for World Summits—the Pakistan Country Report for the World Summit on Social Development (1995) and the National Progression Report for the World Summit on Sustainable Development (2002); Pakistan’s first progress report on the MDGs (2003); corporate evaluation policies of IFAD (2003) and UNDP (2005); IFAD evaluations of decentralization in Eastern Africa (2004) and IFAD strategy and operations in the Asia-Pacific Region (2005-2006); and a 17-Agency One UN Reform process in Pakistan focusing on poverty alleviation (2007).

Geographical Experience Most of Pakistan, and 18 other countries (Bahrain, Bangladesh, Bhutan, Cambodia, China, Ethiopia, Ghana, Italy, Laos, Mexico, Myanmar, Nepal, Sri Lanka, Tanzania, Thailand, Uganda, the United States and Viet Nam).

Sectoral Experience Community mobilization, governance, gender, agricultural research and extension, water management, agricultural and irrigation economics, social forestry, community infrastructure, the social sectors, biodiversity and environment, microfinance and the informal economy.

Academic Qualifications MA and PhD (econ.), University of Chicago. BA (econ. and Middle Eastern Studies), Columbia University, New York (*magna cum laude*, Phi Beta Kappa). Cambridge ‘A’ Levels, Aitchison College, Lahore.