

# Independent Review of the Pacific Ombudsman Alliance (POA)

## Review Report

Review Team  
20 April 2013

## Review Report

### C O N T E N T S

	Page
<b>Executive Summary</b>	<b>4</b>
<b>I. Introduction - Activity Background</b>	<b>8</b>
<b>II. Review Objectives and Approach</b>	<b>9</b>
A. Introduction	9
B. Review Objectives and Scope	9
C. Target Audience and Utilisation of Findings and Recommendations	10
D. Approach and Methodology	10
1. Introduction and Initial Activities .....	10
2. Approach and Methodology .....	10
E. Challenges and Limitations of the Review	12
<b>III. Review Findings</b>	<b>12</b>
A. Introduction	12
B. Relevance	13
1. Relevance to Governance Concerns and to the Pacific.....	13
2. Relevance for Country Level Operations.....	15
3. Rationale and Logic for Support to POA.....	16
4. POA Members Assessment .....	16
C. Effectiveness	17
1. Regional.....	17
2. Governance .....	18
3. Country Level.....	19
D. Efficiency	21
E. POA Reporting, Monitoring and Management	23
F. Sustainability	25
G. Cross Cutting concerns	26
<b>IV. Issues, Conclusions, and Recommendations</b>	<b>26</b>
A. Issues	26
B. Lessons Learned	29
C. Conclusions	30
D. Recommendations	31
<b>Annex 1: List of Key Persons met</b>	<b>33</b>
<b>Annex 2: List of Key Documents Reviewed</b>	<b>34</b>
<b>Annex 3: POA Consolidation Phase 2009 – 2013 – Proposed Resourcing of the Facility</b>	<b>35</b>
<b>Annex 4: Questionnaires : Review of Country Responses</b>	<b>36</b>

## Abbreviations and Acronyms

AusAID	Australian Agency for International Development
M&E	Monitoring and Evaluation
NZMFAT	New Zealand Ministry of Foreign Affairs and Trade
PASAI	Pacific Association of Supreme Audit Institutions
PFTAC	Pacific Financial Technical Assistance Centre
PICPA	Pacific Islands Centre for Public Administration
PIFS	Pacific Islands Forum Secretariat
POA	Pacific Ombudsman Alliance
RMI	Republic of the Marshall Islands
SPC	Secretariat of the Pacific Community
TL	Team leader
ToR	Terms of Reference

## Acknowledgements

The Review Team wishes to thank the POA Board for inviting the Team to be observers at the 2012 POA members' meeting in Wellington on 10 November 2012 and to acknowledge the logistical support and other assistance provided by the POA Secretariat in scheduling the individual meetings with POA members on 12 November 2012. In addition, the Team thanks the individual members themselves in making themselves available for these meetings, and for their cooperative support in the review and in answering the questionnaire. In addition, the Team thanks those who provided views and comments via teleconference and email.

## Disclaimer:

Please note that the views expressed in this report are those of the authors and do not necessarily represent the views of AusAID or the Australian Government, or of NZMFAT.

## Executive Summary

### Background and Program Objectives

In 2008-2009, AusAID jointly with the New Zealand Ministry of Foreign Affairs and Trade (NZMFAT) entered into a funding agreement with the Australian Commonwealth Ombudsman Office to support the Pacific Ombudsman Alliance (POA). AusAID and NZMFAT agreed to contribute a total of AUD1.86 million over the period 2009-2013, for the consolidation phase of the POA.

POA supports *The Pacific Plan for Strengthening Regional Cooperation and Integration* (the Pacific Plan), which was first endorsed by leaders at the Pacific Islands Forum meeting in October 2005. The Pacific Plan commits Forum member countries to a number of goals, objectives and initiatives for the region. POA is a mutual support network for ombudsman and allied institutions of Pacific Islands Forum member countries. It does not have any legal powers in relation to ombudsman activities in any country.

AusAID, NZMFAT and the Australian Commonwealth Ombudsman Office agreed that an independent review of POA should be conducted by AusAID in its third year of funding (2012-2013). This independent review report assesses the relevance, effectiveness and efficiency of POA as a mechanism to strengthen cooperation amongst Pacific Ombudsman institutions, with the goal to strengthen transparency and accountability of government services. The review also examines POA in light of its objectives, as set out in the POA charter. The findings from the review will inform AusAID and NZMFAT's thinking around the merits of providing further funding support for the next phase of the POA.

It should be noted that the program is relatively small, providing financial support of about \$1.8 million over 4 years. The resources provided for the review were thus also relatively small, which might be considered appropriate. However, this limited the coverage of the Review which is consequently largely desk-based research and analysis, but with significant weight put on interviews and observations made during the 2012 POA Annual Members' Meeting held in Wellington (2012 POA members' meeting). This provided an invaluable opportunity for face-to-face discussions with members. Country visits were not feasible, but those met in Wellington represents almost all member countries.

### Key Findings and Issues

POA supports the good governance pillar of the Pacific Plan, which identifies good governance as a key requisite for sustainable development and economic growth (Objective 12.1). POA, through strengthening ombudsman offices and allied institutions, addresses issues of maladministration and poor governance, which have a direct impact on the daily lives of Pacific people. The delivery of basic services such as health and education, the management of scarce resources and the rights of individuals and communities are compromised by the poor performance of government agencies and the inappropriate allocation of resources. The underlying "logic" of support to POA is that this support will help in fulfilling Objective 12.1, improving governance.

The Review assesses that overall POA is very relevant as a mechanism to strengthen capacity of, and cooperation amongst, Pacific Ombudsman and allied institutions, with the goal to strengthen transparency and accountability of government services. POA provides a regional support mechanism that facilitates dialogue and cooperation between ombudsman and allied institutions on issues related to accountability, transparency and integrity, and helps improve capacity.

POA activities align with Pacific governance priorities of transparency, democratic processes, accountability and anti-corruption, as articulated in the Pacific Plan. These priorities are supported by AusAID, NZMFAT and other donors. From the strategic perspective, it helps enable a more conducive environment for economic development. Ombudsman offices are one of a number of integrity organisations cited as important indicators of governance "health" by a range of disparate organisations including the UN (UNDP, UNESCAP, and a focus of the UN Public Administration

Network), the Oslo Governance Centre and the Ottawa Centre for Governance. No single organisation can on its own deliver good governance; the Pacific Plan recognises the need for this multiplicity of engagements and players.

Improved ombudsman functions also complement Australian and New Zealand assistance, which seeks to strengthen key government organisations such as the parliaments, cabinet offices, courts and the broader justice systems of Pacific countries.

Some concerns have been raised during the Review that AusAID (and NZMFAT) might better use its funds in support of good governance for other institutions such as support for auditor generals, or strengthening legal systems. The Review Team, however, is concerned that in pursuit of supporting Pacific Plan 12.1, accountability and transparency should be looked at as a “package” and that a holistic approach is taken. AusAID should provide such support, including that for Ombudsman Offices, as part of an overall strategic approach to improving governance in the Pacific as a whole, and not look at such support in isolation. The question is not really one of whether the Ombudsman Office is the most important area to invest in, and thus whether support should be provided instead to Auditor Generals, or parts of the legal framework, rather it is a question of whether Ombudsman Offices are to be supported as part of an overall good governance strategy.

The question has also been raised as to whether all countries need an Ombudsman Office or an Ombudsman type function, including complaints handling, and thus whether AusAID (and NZMFAT) should be supporting POA in all countries. This is particularly a concern in the small island states with limited capacity and resources

On effectiveness, the underlying evaluation question is whether POA interventions have actually contributed to or led to improvements in good governance and accountability, which in turn has led to an impact on people’s lives and rights, with improved delivery of basic services and better management of resources. However, this is hard to measure and it may take 10 years or more before impacts are clear. However, overall, the Review Team considers that POA has been quite effective in individual activities in strengthening Ombudsman offices, but that it is too early to assess the overall impact of this on governance.

POA assistance to individual countries is varied to meet the needs and development situation in each country. In interviews with the Review Team, members emphasized that one-size does not fit all. To date emphasis has been on strengthening the capacity of ombudsman offices and allied organisations, through formal training, subject forums attached to the annual POA members’ meeting cycle, the development of policies and procedures, staff exchanges and in-country placements. All of which participants at the 2012 POA members’ meeting and others interviewed noted were very relevant and effective, particularly placements and on-the-job training.

Analysis by the Review team concludes that POA is managed effectively and efficiently, with full Member participation and direction. However, attendance at regional meetings has substantial cost implications, and can take key staff out of their offices for considerable periods of time, which could be an issue, particularly for smaller offices. The POA Charter requires that POA should meet at least once a year, and this could be either face-to-face or by electronic measures. Savings could be made by careful consideration of the venue for any meeting, and/or by reducing the number of face-to-face meetings. Members recognise the financial sustainability issue, but consider that POA as an institution would continue as a regional institution even if AusAID and NZFMAT ceased providing funding support. However, several activities would have to be curtailed. The Team suggests it might be necessary to reduce annual meetings to biennial or to conduct meetings electronically, which is allowed in the POA Charter.

There is a relatively robust feedback mechanism within POA, but there is not an effective M&E framework and reporting/feedback mechanism between the POA Secretariat and AusAID; this needs to be addressed before any future funding phase goes ahead. A simple overall M&E

framework (based on a better articulated theory of change) needs to be established showing how (i) the POA support contributes to the Pacific Island Forum Secretariat (PIFS) and AusAID strategy and objectives for improving good governance in the Pacific, and (ii) for POA to identify and show in its six monthly activity report, specific contributions to and linkages of the individual activities to achievement of these objectives (see Recommendation 7 below).

Apart from the issues noted above, the issue arose in the 2012 POA members' meeting of whether POA should have a regional voice. The Team considers POA could usefully have a voice in regional meetings such as PIFS to represent and support the role of Ombudsman, but expresses caution on whether this should extend to any advocacy role, which could undermine its effectiveness in some countries.

Several lessons are discussed in the report, including the critical importance to good governance and improved public administration of engagement with the wider community.

## **Conclusion**

Overall, the Review Team considers that POA is providing a valuable function to strengthening Ombudsman Offices and to improving governance in the Pacific. The cost of the support is relatively small and AusAID (and NZMFAT) should continue to provide such support. This national government level support also lends legitimacy to the support provided by the three Ombudsman Offices of the Commonwealth, New South Wales and New Zealand.

Ombudsman Offices should be assessed and supported as a component within a more strategic and holistic approach to supporting good governance in the Pacific, and not be looked at in isolation

The timing, duration and scale of further assistance should be determined based on an assessment of a revised work plan to be proposed by POA, and should be based on a clearly articulated theory of change, which should be developed by AusAID for any such next phase. More cost effective measures for activities such as regional meetings should be explored.

## **Recommendations**

**Recommendation 1:** Consistent with AusAID's overarching Governance Thematic Strategy and in the context of the Pacific Plan, AusAID should take an integrated, holistic approach to Pacific regional and country programs designed to strengthen good governance, recognising the inter-relatedness of integrity organisations, including NGOs, both nationally and across the region. If AusAID is to support the POA and ombudsman offices this should be part of a broader practically based strategy supporting good governance, accountability and transparency across the Pacific. AusAID should further develop its current governance strategy to include this.

**Recommendation 2:** AusAID should continue to support the POA in recognition of the value this relatively small amount of funding represents in strengthening ombudsman offices and other integrity organisations, and in recognition of the role ombudsman functions play in improved governance. The timing, duration and scale of such assistance should be determined based on an assessment of a revised work plan to be proposed by POA, and should be based on a clearly articulated theory of change, which should be developed by AusAID for any such next phase (see Recommendation 7).

**Recommendation 3:** POA's work program should continue to focus on individual capacity building, organisational capacity building, legislative improvement, establishment and design of new systems or organisations, and outreach and education. However, priorities should be revisited to ensure public outreach and education, and complaints handling, central to the ombudsman role, are appropriately supported wherever possible. This should include a better balance of expenditure between these activities and the cost of regional meetings.

**Recommendation 4:** POA should help foster relationships with other integrity organisations within member countries, while recognising that independence is a key consideration for these institutions, with a view to improving information exchange, developing joint strategies and initiatives where appropriate and thereby strengthening public confidence in integrity institutions.

**Recommendation 5:** some form of needs assessment should be conducted for training and placement initiatives, ensuring the alignment of the training needs with the skills and experience needed to address them, and the qualifications of the person selected for the activity. Similarly, the POA Secretariat should continue to play a role in any selection process for placements and training supported by POA.

**Recommendation 6:** expenditure on the Annual and regional meetings should be reduced as it is relatively expensive and uses a relatively large amount of the annual budget, attracting comments from detractors, and diverting attention away from other activities being effectively pursued by POA. Reductions in expenditure could be achieved by holding the face-to-face Annual meeting on a biennial basis, with a video-conference in the alternate year. Alternatively, if face-to-face Annual Meetings are to continue, then care needs to be taken in selecting the location, avoiding high-cost venues.

**Recommendation 7:** POA's current reporting system to AusAID (i.e. Activity Reports and Minutes from POA Board meetings) should continue, with the POA Board continuing to direct and supervise work activities. A simple overall M&E framework should be developed linking the specific POA activities to the Strategy recommended in Recommendation 1 above, and with quantifiable performance measures. A clearly articulated theory of change should be developed for the next phase as part of this. An improved reporting and feedback mechanism should also be developed, clearly linking inputs and activities to outcomes and anticipated impacts. As part of this, the six-monthly report to AusAID should include a covering letter or memorandum summarising how the activities and their outputs/outcomes link to the Strategy objectives. It should also highlight any issues that need to be brought to AusAID attention or on which AusAID guidance is sought.

## I. Introduction - Activity Background

1. In 2008-2009, AusAID jointly with the New Zealand Ministry of Foreign Affairs and Trade (NZMFAT) entered into a funding agreement with the Australian Commonwealth Ombudsman Office to support the Pacific Ombudsman Alliance (POA). AusAID and NZMFAT agreed to contribute a total of AUD1.86 million over the period 2009-2013, for the consolidation phase of the POA.

2. POA supports *The Pacific Plan For Strengthening Regional Cooperation and Integration* (the Pacific Plan), which was first endorsed by leaders at the Pacific Islands Forum meeting in October 2005. The Pacific Plan commits Forum member countries to a number of goals, objectives and initiatives for the region. It is a 'living' document to ensure that the vision of the leaders and the goal of regional integration extend into the future.

3. As part of the Pacific Plan's Good Governance goal, objective 12 calls for improved transparency, accountability, equity and efficiency in the management and use of resources in the Pacific. This objective includes an initiative to:

*'12.1 Support or establish the regional consolidation of commitments to key institutions such as audit and ombudsman offices, customs, leadership codes, anti-corruption institutions and departments of attorneys general; including through judicial education.'*

4. An independent review of the Pacific Plan is currently underway. The independent review will assess areas including: (i) the impact of the Pacific Plan since 2005; (ii) the extent of ownership of the Pacific Plan by members and regional organisations; (iii) the relevance of the Pacific Plan to the region; and (iv) the extent to which the Pacific Plan has influenced programming decisions by development partners and supported more effective and targeted funding to the region.

5. POA is a mutual support network for ombudsman and allied institutions of Pacific Islands Forum member countries. It does not have any legal powers in relation to ombudsman activities in any country.

6. The principal objectives of POA are to:

- Strengthen cooperation within the community of Pacific Ombudsman and allied institutions.
- Foster integrity in the delivery of government services, by supporting the creation and maintenance of strong ombudsman and allied institutions.
- Develop culturally appropriate resources and training support to address common issues faced by the Pacific Ombudsman community.
- Provide mutual support to help members meet their obligations and responsibilities and improve their service delivery and effectiveness.
- Support the development of legislation and programs that recognise the right of citizens to transparent and accountable government services through effective complaint and oversight mechanisms.
- Enable the national ombudsman institutions of Pacific Islands Forum nations to provide a common or consistent approach in dealings with international ombudsman bodies.
- Foster and promote the work of ombudsman and allied institutions throughout the Pacific.

## **II. Review Objectives and Approach**

### **A. Introduction**

7. AusAID, NZMFAT and the Australian Commonwealth Ombudsman Office agreed that an independent review of the POA should be conducted by AusAID in its third year of funding (2012-2013).

8. The independent review team comprises Graham Walter (M&E Specialist, Team Leader) and Jean Gordon (Governance Specialist). A list of persons met by the Review Team, or with whom teleconferences were held is included as Annex 1.

### **B. Review Objectives and Scope**

9. The independent review assesses the relevance, effectiveness and efficiency of the POA as a mechanism to strengthen cooperation amongst Pacific Ombudsman institutions, with the goal to strengthen transparency and accountability of government services. The review also examines POA in light of its objectives, as set out in the POA charter and set out in paragraph 6. The findings from the review will inform AusAID and NZMFAT's thinking around the merits of providing further funding support for the next phase of the POA.

10. AusAID requested (see Review Terms of reference - ToRs) that the emphasis of the review should be on the key AusAID evaluation criteria of relevance, effectiveness and efficiency, however in subsequent comments on questions the Review Team would put to members, AusAID suggested questions on sustainability, gender and M&E. It was agreed with AusAID that the review would retain its emphasis on the first three criteria, and address the other criteria to the extent possible given the time. The review will not provide ratings as in an evaluation report, but will present its assessment under each of these evaluation criteria. Initial work and discussions indicated that the M&E framework and reporting systems between POA and its members, and between the POA Secretariat and AusAID, may not be fully effective, and thus the review makes some recommendations in this regard.

11. The ToRs highlighted that under relevance the review should address the following questions: (i) is POA aligned with Pacific government policies, priorities, and the Pacific context (especially given limited capacity, small communities, and cultural factors around complaint-making)? (ii) How relevant is POA as a regional mechanism for strengthening the community of Pacific Ombudsman and allied institutions and more generally, how it translates to enhanced government accountability and transparency?, and (iii) Do POA activities clearly reflect these objectives? Are anticipated outcomes of activities in line with objectives?

12. The ToRs requested that the review: (i) examine the achievements of the POA with regard to its progress against its objectives; identify what has worked well and areas requiring improvement; (ii) determine whether there are any internal or external constraining factors and obstacles that have impeded POA achieving its objectives; (iii) is the current monitoring and evaluation framework effective? If not, what would be an appropriate framework for the next phase of POA? Effectiveness and impact are key concerns of AusAID, but as noted in para.28 below, the objectives of POA focus very much on enabling and supporting activities and do not include any specific or quantitative targets. The review objectives are naturally similarly qualitative in nature.

13. The review discusses whether POA activities to date represent value for money, but in the absence of quantitative targets and costed alternatives for comparison purposes, this question cannot be fully answered. Also, as requested in the ToRs, the Review examines whether the governance and management structures of the POA initiative are efficient and represent value for money, and to what extent POA's current approach to planning and budgeting for future activities is efficient and effective.

14. Based on its findings, the review includes recommendations on:

- (i) The effectiveness and appropriateness of this initiative as a regional and bilateral mechanism;
- (ii) How the POA initiative can be improved;
- (iii) POA reporting, monitoring (M&E) and management.

### **C. Target Audience and Utilisation of Findings and Recommendations**

15. As noted above, the main audience for the independent review is AusAID and NZMFAT, who will use the review in determining the merits of providing further funding support for the next phase of POA. Many of the Review findings and recommendations, however, are targeted at AusAID, rather than NZMFAT as AusAID is the lead agency and manages the support program. It is also hoped that POA will find the review useful as it is intended to be forward looking and could help POA focus its activities to be more effective.

### **D. Approach and Methodology**

#### **1. Introduction and Initial Activities**

16. Initial discussions were held with key officials of AusAID and the POA Secretariat in the Commonwealth Ombudsman Office in Canberra in October 2012. The key concern was planning the review team's attendance at the 2012 POA members' meeting on 10-12 November 2012 in Wellington, prior to full commencement of the Review, as this would provide a unique opportunity for the Review Team to meet with most POA members (see Annex 1: list of persons met). An outline work plan and questionnaire for POA members was prepared prior to the Wellington meeting, and an Aide Memoire prepared after the meeting and submitted to AusAID on 27 November 2012. A revised work plan and questionnaire was then prepared and submitted to AusAID on 7 December 2012, by which time over half the allocated Team days had been consumed. A more regular review process would have been to prepare a full review plan and questions prior to commencement of the review, but participation<sup>1</sup> in the Wellington meeting was too much of an opportunity to miss.

#### **2. Approach and Methodology**

17. The review is primarily reliant on reviews of existing reports, together with interviews, questionnaires, and follow up with key stakeholders and informants (see Annex 1). As noted above, an outline questionnaire (which actually was quite comprehensive) was used in Wellington as a basis for semi-structured interviews with POA members. These included both those from Ombudsman Offices and from related institutions in those countries where no Ombudsman office exists (see Aide Memoire).

18. In summary, the methodology included:

- (i) review of relevant documentation (Annex 2).
- (ii) semi-structured interviews with key stakeholders – members of POA; staff of AusAID and NZMFAT; staff of the POA Secretariat in the Commonwealth Ombudsman Office.

---

<sup>1</sup> At AusAID's request, the POA Board had kindly invited the review team as observers at the meeting, providing the opportunity both to witness the meeting proceedings and also hold interviews with members participating in the meeting.

(iii) Analysis of questionnaires sent to all POA members, and follow up with key targeted POA members and stakeholders; teleconference interviews with other stakeholders (including UNDP, PIFS, Commonwealth Secretariat and Transparency International), and follow up with AusAID and the POA Secretariat.

19. Originally the team had anticipated sending out a single comprehensive questionnaire to all participants and some other stakeholders, but based on findings of the Wellington meeting and the interviews, and interview feedback, the questionnaire was reduced in scope. The reduced questionnaire focused on a few key areas of interest, based on questions of greatest importance to the review and where follow up was needed, or where gaps exist.

20. The team had considered selecting three POA offices for this “selected” follow up of the revised questionnaire, including a larger country with an established ombudsman office, a medium sized office and one without a specific ombudsman office. However, as discussed at some length during the Wellington meeting, size itself should not be the main consideration, rather focus should be on selecting offices representative of different concerns and challenges. It was thus decided to provide some focus on Melanesia which have established and experienced Ombudsman Offices and which also has a Leadership Code and Leadership Code Commission.

21. The Cook Islands and Samoa also have established Ombudsman Offices and are representative of medium sized countries (Pacific context) with experience of an Ombudsman office. The Republic of the Marshall Islands (RMI) has no Ombudsman Office, the Auditor General fulfilling some of these functions. Nauru and Kiribati also do not have an Ombudsman Office and were represented at the 2012 POA members’ meeting by staff from the Public Service Office, which has less independence than RMI’s Auditor General, and far less experience and capacity; questionnaires nevertheless were sent to them. Similarly for Tonga where the Office of the Commissioner for Public Relations has only recently become more active, given recent political changes.

22. Unfortunately, while responses were received from almost all, the replies were generally limited in depth and did not provide the hoped for additional information and feedback. A brief analysis of these completed questionnaires is included as Annex 4, and cited in the Review Findings below where appropriate, but this lack of additional direct feedback naturally limits the ability of the Team to cite evidence or additional feedback from POA Members. Time available to the Team precluded a round of individual telephone follow-up to compensate, although some email exchanges were conducted, but the Wellington interviews were very valuable for the Review.

23. The questionnaire included questions on legislation in the individual countries, these being included when the team was considering including some country analyses as illustrative of the impact of the POA at country level. However this would require country visits to be effective and it became apparent this would require Team person days and other resources far in excess of those available. In addition, it was agreed with AusAID and POA that it was not the purpose of the Review to examine the effectiveness of individual Ombudsman Offices, which is beyond the mandate of AusAID and its assistance to POA. Furthermore, the individual Ombudsman Offices expressed objections to such an approach.

24. The questionnaires were also sent to the Commonwealth Ombudsman, and the Ombudsman Offices of New South Wales and New Zealand, who had also provided substantial feedback during the 2012 POA members’ meeting.

25. The team also held teleconferences with individuals in the AusAID Suva Post and regional organisations (see para.19 iii above and Annex 1).

26. Key documents examined by the Team included six monthly Activity Reports prepared by the POA Secretariat for the POA Board, and Minutes of POA Board meetings. The POA Secretariat

reports to the Board, and these documents are provided to AusAID. The Board provides an Annual Report to its Members. Review of these reports was a key part of the Review assessment of the reporting, M&E and budget (section III E), and Recommendation 7 included in section IV below. In this context, it must be noted that the AusAID and NZMFAT assistance is \$1.86 million over 4 years, an average of \$465,000 annually – demands of a reporting and M&E system should be commensurate with this.

### **E. Challenges and Limitations of the Review**

27. The objectives of POA focus very much on enabling and supporting activities and do not include any specific or quantitative targets. The specified review objectives are similarly qualitative in nature, although they included efficiency assessments, which have proved difficult to conduct rigorously due to lack of quantitative data or objectives. The activities and support objectives are process oriented and quite wide-ranging and as other evaluations have found<sup>2</sup>, there are major challenges in evaluating the effects of such wide-ranging processes. POA itself has broad objectives. Equally challenging is the wide variety of contexts within which the Pacific Ombudsman offices and allied institutions operate, and the variation in skills and experience.

28. Time and resources allocated for the Review are limited, reflecting the fact that the 4 year support program is \$1.8 million, a larger expenditure on the Review probably being questionable. The Review is consequently largely desk-based research and analysis, although limited documentation was available for this (see Annex), but with significant weight put on the interviews and observations made during the 2012 POA members' meeting, which provided an invaluable opportunity for face-to-face discussions - good feedback was received. Country visits were not feasible. Although the sample of individuals spoken to is somewhat limited, it represents almost all member countries. Nevertheless, several issues were raised during the 2012 POA members' meeting and interviews, which ideally merited some detailed country-level analysis, but time and resources precluded. This included the desire to consult with users of ombudsman services, such as complainants. However, it must be recognized that this is a review of AusAID and NZMFAT's support to POA and not on the support's impact at country levels.

## **III. Review Findings**

### **A. Introduction**

29. As discussed below, POA supports the good governance pillar of the Pacific Plan, which identifies good governance as a key requisite for sustainable development and economic growth. A key task of this review is to assess as far as is possible whether Australian and New Zealand government funds spent in supporting Pacific ombudsman offices through POA activities are an effective and efficient use of these resources in contributing to strengthened governance in Pacific countries, and hence whether such support is relevant and appropriate, and should be continued.

30. This Consolidation Phase of support to POA was approved in 2009 and provides A\$1.86 million funding from AusAID and NZMFAT. New Zealand is contributing NZ\$100,000 a year for POA Board approved activities, about A\$75,000 a year. AusAID support also covers these activities and also contributes towards POA Secretariat staff costs. Contributions are also made by the Commonwealth Ombudsman Office, where the POA Secretariat is located, and by other Ombudsman Offices, notably that of New South Wales and New Zealand. Individual Ombudsman Offices provide additional support, a few paying their own costs for attending meetings, some providing direct support to POA activities (e.g. the Ombudsman Offices of the Commonwealth, New South Wales and New Zealand). The Review Team was not provided with details of these contributions, but Annex 3 provides the summary details included in the AusAID approval documents for the Consolidation Phase, showing contributions of \$477,600 from the Office of the Commonwealth

---

<sup>2</sup> e.g. OECD/DAC Evaluation of the Paris Declaration

Ombudsman and \$297,200 from others, totaling \$2.6 million overall. The support runs from October 2009 to June 2013.

31. Sections B to G below report on relevance, effectiveness, efficiency, POA reporting monitoring and management, and very briefly on sustainability and cross-cutting concerns. Section IV below covers issues, conclusion and recommendations, and it should be emphasized that the issues section is a key part of the Review analysis and presentation - section III, which follows AusAID's evaluation criteria (as requested in the ToRs), refers to these issues as appropriate. Many issues arose during the Review, including several that were specifically proposed by stakeholders to the Review Team. Addressing these will be an essential part in considering the future direction of AusAID and NZMFAT support. This Review report includes recommendations covering some of these, but others are of a broader or higher level context.

## **B. Relevance**

32. As noted in paras.2 and 3, the Pacific Plan emphasises improved transparency, accountability, equity and efficiency in the management and use of resources in the Pacific as key objectives. In particular, the Plan links more effective audit and ombudsman offices with improved national leadership and accountability.

33. The Pacific Plan defines good governance as the transparent, accountable and equitable management of all resources. POA provides a regional support mechanism that facilitates dialogue and cooperation between ombudsman and allied institutions on issues related to accountability, transparency and integrity. All participants at the 2012 POA members' meeting emphasised its value in facilitating exchanges of ideas and experiences, and in targeted assistance to them, strengthening their own institutions.

34. POA activities align with Pacific governance priorities of transparency, democratic processes, accountability and anti-corruption. From a strategic perspective, it is intended to help enable a more conducive environment for economic development.

### **1. Relevance to Governance Concerns and to the Pacific**

#### **Overall**

35. AusAID's Governance Strategy outlines the three main pillars Australia supports in fostering good governance, thereby helping countries and their citizens overcome poverty. These are:

- Delivering better services through improved government efficiency and effectiveness, and more accountable, transparent and responsive governments
- Improved security and enhanced justice
- Enhanced human rights

36. POA is very relevant as a mechanism to strengthen cooperation amongst Pacific Ombudsman institutions, with the goal to strengthen transparency and accountability of government services. For example, the POA, through strengthening ombudsman offices and allied institutions, contributes to addressing issues of maladministration and poor governance, which have a direct impact on the daily lives of Pacific people. The delivery of basic services such as health and education, the management of scarce resources and the rights of individuals and communities are compromised by the poor performance of government agencies and the inappropriate allocation of resources.

37. Support for POA and its member institutions addresses the need for improvement in public administration and public service performance. This support also contributes to improved human rights by giving ordinary citizens a mechanism whereby they can take up complaints about the

delivery of government services. One of the principal functions of an ombudsman office is to interact with and be accessible to the broader community. They are often the only avenue readily available to individual citizens seeking assistance on issues related to the government's impact on their daily lives.

38. POA as an individual institution has a comparative advantage that makes it particularly relevant in seeking improvements in governance. Many leaders are reticent to discuss or accept new principles, but POA has good connections and access to experienced practical experts, some of whom have been leaders themselves, and can send in specialists who will be more acceptable to current leaders.

39. Improved ombudsman functions also complement Australian and New Zealand assistance which seeks to strengthen key government organisations such as the parliaments, cabinet offices, courts and the broader justice systems of Pacific countries, for example the Machinery of Government program in the Solomon Islands supported by RAMSI and the PNG-Australia Justice Sector Support Program.

40. Section IV below on Issues discusses in more depth the Review Team concern that support for Ombudsman and for POA should be part of a holistic approach to good governance, a key concern included in the Recommendations. Similarly the Issues section discusses whether all countries need an Ombudsman Office or an Ombudsman type function, including complaints handling.

## **The Pacific Plan**

### **Governance**

41. Governance is a complex concept and is very diverse, and this Review examines the role of POA in this broad governance context. Stakeholders and commentators, however, often have different perspectives as to what they think good governance is – and often it is taken to mean only anti-corruption<sup>3</sup> in its simpler forms i.e. bribes or pay-offs, or financial malfeasance. More accurately and certainly in the case of this review, it relates to the performance and conduct of government sectors within the Pacific region, in particular with respect to public administration, and the efficient and equitable management of resources on behalf of all citizens of individual Pacific countries.

42. Although there is a widely used UN description of the five elements of good governance – legitimacy and voice, direction, performance, accountability, fairness – the best short definition of governance is that developed by Canada's Institute on Governance in 2003. Governance comprises the traditions, institutions and processes that determine how power is exercised, how citizens are given a voice, and how decisions are made on issues of public concern<sup>4</sup>.

43. What is clear is that no single organisation, piece of legislation or set of activities can on its own deliver good governance. This is true of developed as well as developing countries. While some individuals, organisations and the media may cherry pick high profile or "sexy" governance issues such as bribery, political feather-bedding or overt corruption, only concerted, consistent and across the board commitment can strengthen governance within any country or region.

44. The Pacific Plan recognises the need for this multiplicity of engagements and players when in the Plan's Good Governance goal under objective 12 it calls for initiatives to "support .or establish

---

<sup>3</sup> For example, one stakeholder interviewed by telephone made the point that POA and ombudsman in general seemed not concerned with, or not working on anti-corruption, the stakeholder not seemingly appreciating that the work of the ombudsman, if effective, cuts to the root of corruption where it is defined as (among other things) maladministration, wasting or redirecting government resources to "pet" projects or ones' own province.

<sup>4</sup> "Principles of Good Governance in the 21<sup>st</sup> Century" Graham, Amos & Plumptre, Institute of Good Governance, Ottawa, Canada 2003

commitments to key institutions ..” and lists a range of agencies and organisations, all of which are necessary to good governance.

45. In working with ombudsman and allied institutions POA seeks to improve governance by helping member countries and their governments address problems of maladministration and poor performance through strengthened integrity organisations. A more efficient public sector will in turn lead to improvements in service delivery and a more equitable and efficient allocation of resources to citizens.

46. The POA Charter developed in the establishment phase of AusAID support provides a governance framework for all work of the Alliance, outlines the principles and objectives underpinning governance, transparency and accountability, and models good governance. The review team is satisfied that all POA activities are considered in the context of their contribution to capacity building in the interests of good governance and seek to foster integrity in the delivery of government services by the creation and maintenance of strong institutions.

### **Transparency and Accountability**

47. Transparency and accountability are interrelated and mutually reinforcing. Together they enable citizens to learn of and have a say about issues that matter to them as well as an opportunity to influence decision-making. They are also able to hold those making decisions to account.<sup>5</sup>

48. As a principle, public officials and public servants have a duty to act visibly, predictably and understandably to promote participation and accountability. Making information available is not sufficient to achieve transparency as large amounts of raw information may breed opacity rather than transparency. Information should be managed and published so that it is relevant, accessible, timely and accurate.

49. Accountability means ensuring that politicians as well as public officials are answerable for their actions and that there is redress when duties and commitments are not met. Where decisions are not transparent, or where there is limited or no accountability (that is, where the reasons for a decision, who has made it or why are unclear), an ombudsman office can provide a conduit for a citizen both to ask these questions and demand answers.

50. AusAID and NZFMAT support for POA activities is based on the premise that effective Pacific Ombudsman offices (and related institutions where no ombudsman office exists) contribute to enhanced transparency and accountability in member countries, and so to more equitable distribution of resources, good governance and strengthened democratic processes. The interview and questionnaire responses support such a premise. Section 3, paras.56-58 below, analyses the logic of this premise.

## **2. Relevance for Country Level Operations**

51. All POA members have ambitious – and different - plans for specific improvements in individual and organisational capacity building, legislative improvement, outreach and education, and the design and establishment of new systems and procedures. In some, but not all cases, plans link to broader national government and public sector reform programs within individual countries. POA is an important means of being able to implement these improvement plans, mobilising a range of expertise, experience, knowledge and skills. For example, a recasting of legislation in the RMI to streamline and clarify public sector responsibilities will strengthen the role of the Auditor General in complaints handling, including follow up actions.

---

<sup>5</sup> Summary of definitions from the Transparency & Accountability Initiative, UK

52. **Differences between member countries:** there are many variations in ombudsman and accountability mechanisms including constitutional authority, complaint handling mechanisms, Parliamentary and other public sector accountability processes, development progress, educational level and knowledge of the electorate and traditional social hierarchies - all have an impact on the operating environment. For example, Papua New Guinea, Solomon Islands and Vanuatu all have leadership codes enshrined in their constitutions and supported by specific legislation. Despite these similarities, penalties in PNG and Solomon Islands are administered under the civil code while they are linked to the criminal code in Vanuatu. The Cook Islands has a wider jurisdiction covering immigration for example. Another difference relates to how complaints and other issues are handled, some countries using, at least initially, an informal approach to investigation and resolution whilst others are formal from the outset. POA in its present configuration provides a means of acknowledging these differences while pursuing common and overarching goals. It can apply lessons from designing and implementing training and placements in one country to another. As a regional institution, POA can draw on lessons from country specific assistance and apply them elsewhere, as they have done from Melanesia in Polynesia.

### 3. Rationale and Logic for Support to POA

53. The POA documents provided by AusAID when it designed the support program do not include a logical framework (i.e. a design and monitoring framework) setting out logic (cause-effect relationship) of how the support inputs would achieve the expected outcomes of the program (similarly no Theory of Change – ToC - was proposed). The Review Team however has examined the documentation with a view to determining the implicit underlying logic. This approach can then be adopted when developing a logical framework, or ToC, for future possible assistance. The main anticipated Outcome is clearly stated that the objective 12.1 of Pacific Plan is fulfilled. Thus the underlying “logic” of support to POA is that this support will help achieve the fulfillment of objective 12.1, which addresses the problem cited in paras.35-37 above of poor governance, which has direct impact on lives of pacific people, affecting rights of individuals and communities, and importantly delivery of basic services (health and education) and management of scarce resources.

54. POA (during the establishment phase of AusAID support) developed its Charter which provides a Governance Framework for operation of the Alliance. The Charter includes principles and objectives, as noted in paras. 4-5 above. While POA has some broader objectives developing skills and an institutional culture, this is all targeted at fostering integrity in delivery of government services by supporting the creation and maintenance strong Ombudsman and related institutions.

55. The main anticipated outcomes of POA itself are: (i) capacity building for Ombudsman offices and related institutions; and (ii) developing linkages between them. Thus the implicit results framework for the support Activity as a whole would have included the need for any specific activity to link to these – i.e. training programs, workshops, placements, advisory visits etc link to outcome (i), while regional meetings, networks etc link to outcome (ii), which then has impact on (i). As discussed further below, the reporting from POA and the Secretariat to AusAID could usefully have made these linkages clearer, reporting specifically on this contribution.

### 4. POA Members Assessment

56. Annex 4 summarises Members responses to the Questionnaire<sup>6</sup>; these responses reconfirm views expressed during interviews conducted during the 2012 POA members’ meeting, and did not add anything new. The main concerns cited by Members relate to: (i) lack of budget and skilled staff; and (ii) constraints on their powers and independence.

57. The responses also reconfirmed that the countries valued the training and placements organised by POA, and also the regional meetings such as the POA members’ meeting where they

---

<sup>6</sup> Individual country responses are on file in AusAID but are not included here to maintain confidentiality.

can meet and discuss with colleagues particularly on issues of governance, transparency and accountability, but also on legislation, investigation processes and techniques. They indicated that this interchange encourages and strengthens the work of their institutions.

### C. Effectiveness

58. The Aide Memoire prepared after attendance at the 2012 POA members' meeting noted that Members strongly valued both the regional and direct country assistance provided by POA, which they considered very effective. The Review Team considers that effective ombudsman offices are uniquely placed to contribute directly to good governance as well as to improved transparency and accountability. However, the underlying evaluation question is whether POA interventions have actually contributed to or led to improvements in good governance and accountability, which in turn has led to an impact on people's lives and rights, with improved delivery of basic services and better management of resources. However, as discussed further below, this is hard to measure and it may take 10 years or more before impacts are clear. In addition, support to Ombudsman Offices is but part of a broader effort to improve governance and thus attribution issues arise. Overall, as elaborated on in the sections below, the Review Team considers that POA has been quite effective in individual activities in strengthening Ombudsman offices, but that it is too early to assess the overall impact of this on governance. The POA Secretariat is examining a possible methodology for an assessment of the impact of its specific support to Samoa, as noted in para.103 below.

#### 1. Regional

59. **POA provides a regional support mechanism for countries** that facilitates dialogue and cooperation between ombudsman and allied institutions on issues related to accountability, transparency and integrity. All participants at the annual members' meeting and in the follow up questionnaires indicated they considered POA was effective in facilitating such exchange of ideas and experiences, such evidence suggesting to the Review Team that they had indeed been effective in this. Telephone interviews with other stakeholders and observers confirmed this viewpoint. For some countries, and for small island states in particular, these meetings are the only opportunity to meet colleagues from other countries and exchange views and information.

60. **POA as regional association:** participants at the 2012 POA members' meeting considered that the development of POA as a recognised part of the Pacific region institutional architecture provides more than just the benefits of a professional association. Many participants stated that the confidence for an ombudsman to speak and act with authority on matters relating to good governance, sound administration and anti-corruption within his/her own country is enhanced by the knowledge of having access to quality, wide ranging information and the backing of a strong and high profile regional association. Small offices such as Samoa indicated they felt isolated and needed to belong to a bigger stronger body such as POA – i.e. a fraternity. Tonga referred to POA as acting as their "front-row props", playing a key role during the 2011 Board meeting in Tonga and helping establish recognition for their office. Observers interviewed also noted that some Ombudsman now speak more confidently than previously, promoting their role in their country.

61. **Information sharing:** POA has helped ensure that information and lessons learned are maximised by providing a vehicle where knowledge and experience can be shared and adapted in a way that can play down traditional views and enmities, and avoid apparent interference from outside. The adaptation of PNG procedures to the Samoan context facilitated by a POA-funded placement provides a good example. The Review Team has accessed the web network and can support this view.

62. **Participation of PIC Members in POA:** Australia and New Zealand are POA's largest member countries, each administering sophisticated and highly developed systems in countries with long democratic histories. However, the Review Team observed that this did not appear unduly to change the tenor of the annual members' meeting where many of the smaller countries put forward

proposals and spoke out on POA plans and activities. New Zealand, and to a lesser extent Australia, shared with Members problems within their own offices and with new and pending legislation. This is a considerable strength of POA as it currently operates. Protection of Pacific Island Board membership and the active participation of leaders such as the late PNG Chief Ombudsman and the recently re-appointed Solomon Islands Ombudsman no doubt encourage this level of active participation by the PICs.

63. **POA Board and PIC participation:** The POA Charter protects PIC membership of the Board although it should be noted that The Commonwealth Ombudsman, the New Zealand Ombudsman and the New South Wales Ombudsman are all members of the current seven person Board - other representatives are from Nauru, Niue, PNG and RMI. It is clear to the Review Team based on its observation of the 2012 POA members' meeting and its review of Activity and Board meeting Reports, that the Board takes a very active role in driving the work of the Alliance and that all Board members are active participants in this. The POA Board does not appear to be driven unduly by Australia or New Zealand members, which is no doubt fundamental to the support the POA enjoys from all member countries.

## 2. Governance

64. **POA impacts on governance:** as noted above, the Review Team considers that strong and effective accountability institutions including ombudsman offices contribute directly to good governance. To date POA has concentrated on strengthening these institutions by developing skills, knowledge and other basic tools, which the Team has noted have had an impact on individual offices, based on the interview responses. Improved skills in independently investigating complaints and preparing reports for parliament or the public prosecutor were noted by the Cook Islands, Vanuatu and Samoa in interviews with the review team as well as in questionnaire responses. This had resulted in increased confidence of ombudsmen and a greater preparedness to deal with politicians, senior public servants and members of the public. The availability of updated policies and procedures for dealing with complaints was also mentioned by several countries. POA's work plan shows that POA is now also moving into the area of legislative review and amendment, supporting individual offices to lobby for tighter and more appropriate legislation and subordinate regulations, and to clarify the jurisdiction of the individual ombudsman offices and equivalent institutions. It has provided support to Tonga, Samoa and the Solomon Islands Leadership Code Commission to review and update enabling legislation.

65. The experiences of Tonga and Samoa in leveraging legislative change, particularly in regard to jurisdiction, are illustrative of the impact of POA support. Ombudsman appointments in the Solomon Islands and the Cook Islands flowed directly from informal POA intercession. POA also provides an opportunity to examine governance in a coordinated fashion across the region, and to target support and assistance on a needs basis.

66. **Leaders and Public Awareness:** the New Zealand Ombudsman highlighted the importance of 'selling' the role of the Ombudsman to both politicians and public. There must be engagement with leaders in each country. However, as with complaints handling noted in the Issues section below, current public awareness of the role of ombudsman differs between countries. Several countries have conducted outreach programs (e.g. TV advertisements in Samoa), but perhaps more needs to be done. PNG, a founder member of the POA, indicated it had very strong public support; it has three regional offices with public pressures to extend to all 22 Provinces, and is extending its public outreach program to more remote parts of PNG. There is strong public support and pressure in particular from women's groups in PNG. In RMI public pressure against corruption in particular was being led by NGOs including a strong women's advocacy group Women United Together Marshall Islands (WUTMI).

67. A next step that should have a direct impact on transparency and governance is the further development and refinement of outreach programs. Work commenced in Samoa with the support

of the POA funded officer has resulted in a significant increase in the number and relevance of complaints (information provided by Samoa); this work should be continued to help ensure that all electorates are better informed about both their rights and ways to access assistance.

68. **Leadership codes** are unique to the Melanesian nations of Papua New Guinea, the Solomon Islands and Vanuatu. They seek to promote and regulate ethical behaviour in government and public administration, and focus on misconduct rather than addressing corruption more broadly. Their proponents argue that the misconduct of politicians and public servants has an immediate and often major impact on the day to day lives of citizens, and that this focus helps strengthen accountability and transparency at the grass roots level. Enhanced public awareness can then contribute meaningfully to more broadly-based provincial and national anti-corruption measures. Leadership codes in many ways are a natural fit with ombudsman functions given their emphasis on serving individual citizens.

69. All three Melanesian countries provide for a leadership code in their constitutions, and have subsequently enacted legislation to support investigation of code breaches. In PNG and Vanuatu, enforcement of the leadership code is vested in the Ombudsman's office, although until recently in PNG this responsibility was assigned to one specialist ombudsman who reported directly to the Chief Ombudsman and Public Prosecutor. It is now shared by all four ombudsmen.

70. In the Solomon Islands enforcement of the leadership code is the responsibility of the separate Leadership Code Commission, established in 1981 although enabling legislation did not come into force until 1985. POA deals with both the Office of the Ombudsman and the Leadership Code Commission as Alliance members and many POA activities are conducted jointly where this does not compromise the independence of either organisation. This is a sensible and pragmatic approach which illustrates POA's ability to respond to differing situations within member countries.

71. Leadership codes in these countries are legally enforceable unlike the codes of ethics enshrined in the constitutions of Polynesia and Micronesia. However, lessons learned from PNG, the Solomon Islands and Vanuatu have been incorporated through POA into many of the procedures and manuals being developed for all member countries. This makes full use of lessons learned and enables outcomes and outputs to be shared where appropriate, even where this would not happen in a bilateral relationship, for example, between Melanesian and Polynesian countries.

### 3. Country Level

72. **POA assistance to individual countries is varied** to meet the needs and development situation in each country. In interviews with the Review Team, members emphasized that one-size does not fit all. To date emphasis has been on strengthening the capacity of ombudsman offices and allied organisations, and has been largely inputs focused. Capacity building has been delivered in the form of formal training, subject forums attached to the annual POA members' meeting cycle, the development of policies and procedures, staff exchanges and in-country placements, all of which participants at the 2012 POA members' meeting noted were very relevant and effective. Training from POA was particularly important to the small offices (such as Samoa with three staff): PNG (with 145 staff) conducts its own internal training. It is worth noting that POA has supported peer to peer placements. For example, PNG has provided POA funded placements for staff of the Ombudsman offices of both the Solomon Islands and Vanuatu. One participant asked that POA help them prepare a corporate plan for their office as part of their budget request to their Ministry of Finance.

73. Which of these tools is used in any situation depends on the nature of the problem and what it requires; delays with legislation, for example, may require legal drafting skills or high level political engagement. POA appears to be sufficiently flexible to match solution to problem efficiently and as a regional organisation the Association is uniquely placed to provide advice on and assist with the most appropriate intervention at a country level.

74. **Skills Training and source of advice.** POA was seen by all interviewees and questionnaire respondents (including those new to POA such as Kiribati) to play an essential role in skills training and as a source of practical advice and assistance. The speediness, accessibility and appropriateness of advice available through the POA as well its feasibility in a Pacific context were singled out by Samoa, Tonga and Vanuatu.

75. **POA has good connections to skilled and senior experts and to leaders** – as noted in the Relevance section above, POA has access to experienced practical experts, some of whom have been leaders themselves, and can send in specialists who will be more acceptable to current leaders. Given that many leaders are reticent to discuss or accept new principles, this is a comparative advantage of POA and has a positive impact on effectiveness.

76. **Placements and on-the-job training:** evidence provided during interviews and in the questionnaires inform that placements and on-the-job training are valued by all participants as particularly effective. Several participants (Solomon Islands, RMI, Cook Islands) mentioned that learning-by-doing was preferable, thus a placement from outside into their office who would train on the job was appropriate. The questionnaire responses cited placements in particular as a key POA contribution to their operations.

77. These results should be expected achievements for any reasonably competent professional association, but more unusual was the identification by Tonga, Vanuatu and Kiribati of how both the existence of POA and the upgraded skills POA delivers contribute to more transparent and strengthened democratic processes within their countries. The ability this gives their respective organisations to negotiate with government and to take up issues of independence, resourcing and structure is an important outcome of POA membership. In teleconference discussions with the Solomon Islands and Vanuatu Transparency International groups, they emphasised the importance of re-skilling ombudsman offices in areas of complaint handling and investigations to help build public confidence in the institutions and strengthen their reputations. They viewed POA in a positive light, but also indicated it was not widely known by the public at large.

### **Sub-committee structure and regional sub-groupings**

78. In setting up the Small Island States (SIS) Subcommittee and the Leadership Code Working Party, POA has grouped member countries by size and by constitutional arrangement respectively. The SIS Subcommittee is consistent with the Pacific Plan, which recognises the special needs of these countries by the establishment of a separate unit in the Forum Secretariat to ensure that the SIS perspective is represented, that they fully benefit from the Plan as it develops, and that additional resources and support are forthcoming where necessary. The smaller states praised the SIS forum which allowed more interaction amongst themselves in the absence of the large Melanesian countries and Australia and New Zealand.

79. Some participants noted however, that size was not the major concern and suggested that common challenges and problems should be the criteria. Content appears to be a more effective determinant of grouping than size which does not take into account relative development and other variables.

80. With respect to other POA subcommittees, a focus on content such as the Leadership Code group appears to be more effective than working groups which do not take into account relative development and variables other than size. It may be worthwhile for POA subcommittees to be grouped based on factors such as constitutional authority, complaint handling mechanisms Parliamentary and the public sector accountability processes, development progress, educational level and knowledge of the electorate and traditional social hierarchies, all of which have an impact on operating environments. A sub-committee structure is clearly an effective way of moving many issues and problems forward; however, groupings need to take account of a range of factors.

81. **Peer Review:** to date this Consolidation Phase Activity has not been achieved (and acknowledged as such in the Secretariat's own Activity Reports). While this partly reflects the differences between operational environments, there also some practical and 'political' constraints. Overall there are no 'common yardsticks or standards' and thus peer review may not be a relevant activity for the POA. Peer review is more effective in an audit environment where common standards can be applied. Capacity building and attachments specifically suited to local conditions seem more appropriate. A "buddy system" could be adopted rather than any formal peer review process.

82. **Budget:** All participants in Wellington pointed to budgets constraining activities, reducing the effectiveness of their offices. POA clearly assists individual offices operating in resource poor environments, providing placements and on-the-job training and covering travel costs to meetings such as the Annual POA meetings.

#### **D. Efficiency**

83. Efficiency concerns not just the efficiency of the POA activities supported by AusAID and NZMFAT but also the efficiencies of the management of POA and of the contributions to POA. It is beyond the mandate of this Review to examine the efficiency of POA and of any individual Ombudsman Office, but management of the AusAID/NZMFAT support has been examined and is discussed in paras.87-90 and in more detail in Section E paras.97-108 below. It is not possible to determine quantitatively whether POA activities supported by AusAID are value for money as, apart from comparators, the initiatives are not stand alone and concern other activities supporting good governance, accountability and transparency. It might be possible to look at the efficiency of individual activities, but this would require more resources and time than the Review Team has as it would require country-level research and analysis. This might help answer to some extent the perennial Pacific question of what could/should be done more effectively/efficiently bilaterally than regionally, but again this would take resources beyond the scope of this Review.

84. **POA Work Plan and Budget.** Para.29 above briefly sets out financing details, which are elaborated in Annex 3. The Work Plan and budget, as agreed in the approval document for the Consolidation Phase is administered by the POA Secretariat under the direction of the POA Board. Preparation of Activity Reports is a key component of this, as discussed in section E below. The questionnaire response by the Ombudsman Offices of the Commonwealth, New South Wales and New Zealand notes that POA's work program is determined primarily through the members' meeting - the issues and themes discussed by the meeting usually sets the theme for the activities for the following year. For example, outreach and increasing the awareness of new parliamentarians and public servants were discussed at the 2012 POA annual members' meeting, and then in more detail at the two subgroups. It is likely that activities dealing with those challenges will be conducted in 2013.

85. This joint Ombudsman response also noted that "one of the strengths of POA is that its work plan is not set out in concrete a year in advance, but is able to evolve over time and respond to developing requirements. Activity selection can start with an idea or a discussion at a general meeting, or a bi-lateral discussion, or a member request. Suggestions are then discussed, refined, considered, reduced to writing, costed and voted on. This process weeds out less useful ideas, builds on successes, and gives each activity the greatest chance of success. Where appropriate, it also allows for activities to be properly sequenced, expanded to include other members or co-ordinated with other donor activities".

86. They further elaborate that "by their nature, Ombudsmen offices tend to be responsive institutions, adjusting their work to reflect the actions or inactions of the agencies that they oversight. Rapid adjustment of priorities is a skill that POA members need to have to be effective accountability bodies, and the POA work plan has to share that flexibility. POA has shown itself to be a nimble organisation, and one that is able to change its methods quickly to achieve results".

87. Analysis by the Review team of the Activity Reports and Board Minutes, and discussions with Members, supports this contention that POA is managed effectively and efficiently, with full Member participation and direction.

88. **Regional Meetings:** attendance at regional meetings tend to have substantial cost implications (travel in the Pacific is quite expensive), and can take key staff out of their offices for considerable periods of time, which could be an issue, particularly for smaller offices. Full budget details have not been provided to the Team, but Activity Reports indicate that the POA Annual members' Meeting in 2010 (Canberra) cost \$49,138; that in 2011 (Honiara) cost \$137,603<sup>7</sup>, and in 2012 (Wellington) \$ 97,563. These figures represent between 25% and 50% of expenditure<sup>8</sup> in those years<sup>9</sup>, a substantial portion of expenditure on activities. However, while costly, members universally considered them essential for knowledge and information sharing as well as building trust and cooperation amongst members. These are essential to the achievement of POA outcome (ii) referred to in para.58 above of improving linkages between institutions thereby helping information and experience sharing and building capacity. No real effective alternatives were felt by Members to exist as videoconferences had drawbacks, particularly in the Pacific where technical capacities are weak.

89. However, the POA Charter requires that POA should meet at least once a year, and this could be either face-to-face or by electronic measures. Savings could be made by careful consideration of the venue for any meeting, recognising that some locations will incur heavy travel and hotel costs, and/or by reducing the number of face-to-face meetings, for example by holding such meetings on a biennial basis with electronic get-togethers in the alternate year, thus making greater use of teleconferences and video-conferences. This has a drawback, however, in that some participants stated that teleconferences only work well once participants know each other personally, with new-comers having difficulties in full participation. The current pattern of rotating annual conferences to different member countries can lead to costly conferences in some locations (e.g. Honiara in 2011). While the desire to rotate conferences, and allow each Member to be a Host, is understood, this could be a costly strategy. Conferences in PNG and Vanuatu might be as expensive as Honiara. While Australia and New Zealand probably remain feasible options, consideration could be given to using Nadi<sup>10</sup> as a "regional" option, allowing "Host" representation by other countries. Almost all offices stated that budget limitations would prevent their attendance at the POA Annual Meeting without POA funding, and thus this activity is very much dependent on AusAID and NZMFAT funding.

90. **Regional institutions and their Meetings:** There are several regional institutions that have responsibilities for different aspects of good governance (e.g. PIFS, SPC, The Pacific Financial Technical Assistance Centre [PFTAC], the Pacific Association of Supreme Audit Institutions [PASAI], the Pacific Islands Centre for Public Administration [PICPA], and POA), some of which involve the same Pacific Island Country (PIC) partner institutions and which hold regular but separate meetings. Whilst recognising that regional meetings are a valued way of sharing information and experiences, efforts should be made to determine whether there is a more efficient and/or better way of doing this. For example could some of these meetings be consolidated, focusing on areas of complementarity and thus cutting down the number of separate meetings and conferences? Could more meetings be held back-to-back in the same venue? Such consolidation

---

<sup>7</sup> The costs of this meeting was spread across the 2010-11 and 2011-12 financial years.

<sup>8</sup> The annual POA members' meeting in Canberra represents 53% of annual expenditure (\$92,560.29) for 2009-10. The annual POA members' meeting in Honiara represents 25% of annual expenditure over the 2010-11 (\$355,965.58) and 2011-12 (\$189,251.39) financial years. The annual POA members' meeting in Wellington represents 44% of annual expenditure (\$219,845.19) for 2012-13.

<sup>9</sup> As noted, the Team does not have full budget or expenditure details so cannot confirm this.

<sup>10</sup> The Team leader's experience in organising conferences in the Pacific with ADB has led to Nadi usually being a preferred option. Hotels in Port Moresby in particular, and also in Honiara, discourage conferences being held there., Airfares and stopover costs can be high, particularly where representation includes Timor-Leste or north Pacific countries.

could be particularly important for small island countries where the absence of the few key qualified persons can have a major and negative impact on the national institution.

91. The idea of consolidated regional meetings has some drawbacks and may not be practical. The Ombudsman's joint response posed some serious reservations to the proposal, as noted below.

92. While they agreed that the opportunity and financial costs for meetings can be a burden for POA and its members, they do not believe consolidated or back-to-back meetings are practical for three reasons. They noted that firstly, there is very little membership overlap between other regional organisations and POA (perhaps two members who also attend PASAI). Secondly, POA get multiple outcomes for all their meetings; for example, attendance at the 101 training and conferences in Wellington, and holding a workshop for Tongan parliamentarians with the Board meeting in 2011. They noted that if they had to co-ordinate the meeting with other, larger, organisations, it is unlikely they would be able to achieve these multiple outcomes. Thirdly, they emphasized that Ombudsmen need to maintain independence from both politicians and government departments. They added that many regional meetings have a stated political agenda that are supported by governments, and it would not be appropriate for Ombudsmen to be associated with those meetings. However, the Team notes that this latter point applies also to Auditor Generals. The Team considers that there could still be opportunities for coordinating meetings, and for the SIS, back-to-back meetings (with other regional meetings involving them).

93. **Organisational Assessments:** These have been conducted by the Secretariat in Vanuatu and Samoa with further pilots originally scheduled but now doubtful. Assessment activities are expensive in terms of both time and money and some participants in Wellington wondered about their value despite recognising that establishing benchmarks is an important part of planning for future improvements. Where needed as part of a training needs assessment for a training program, they are more generally accepted as they can be linked to training placements. Participants emphasised that they should be conducted only at the request/agreement of the specific Ombudsman office.

## E. POA Reporting, Monitoring and Management

94. **Activity Reports** are prepared six monthly by the POA Secretariat and submitted to the POA Board and to AusAID; under the Delegated Cooperation Agreement with NZMFAT, AusAID as the lead donor provides the reports including AusAID's assessment of the report to NZMFAT; NZMFAT and AusAID are not on the POA Board and do not participate in POA Board meetings. The initial AusAID approval document for the Consolidation Phase provided an outline of activity objectives and anticipated outcomes, but as noted above these are largely qualitative. Outputs are clearly but briefly specified, but again with no quantifiable measures cited (such as numbers to be trained, actual usage of website etc).

95. These Activity Reports have varied in depth of coverage, but together with the detailed Minutes of Board Meetings provide a relatively informative sum of activities, outcomes and outputs. The Activity Reports briefly report on the individual activities against their own anticipated outcome, but as noted above, these are largely qualitative and do not really provide AusAID a holistic view of program achievements and how the program as a whole is meeting its program objectives. Reports on individual activities are normally done by the Secretariat and/or the participant in the activity (e.g. the placement officer) and are provided to the Board, but not routinely given to AusAID.

96. The Activity Reports have commented on the adequacy of some activities, providing suggestions of how to improve them, and also include lessons learned. For example, comments and recommendations were made on placements. These placements are generally short term and relatively inexpensive, but the long-term placement in Samoa was questioned as to whether it was

the sort of thing they should support, given the high cost, even though the placement seemed very successful.

97. Based on the January – June 2011 Activity Report, the June 2011 Board meeting subsequently discussed the cost of training and whether the financial costs of this was worthwhile. Comparators were a problem, and the details of the analysis were not included in the Report seen by the Review Team so it cannot assess the quality of this analysis. However, the Board discussion covered training needs and whether and how training should be matched to key task areas and capacity needs. In the case of placements, the POA Secretariat has mounted a follow on review assessment to determine effectiveness (in the case of Samoa costing about 10% of the long term placement cost activity; but for the short term placement evaluation in Vanuatu almost the same cost as the total assignment). The Secretariat also raised concerns about the placement in Vanuatu where they had not been involved in the selection process.

98. The Review Team discussed with the POA Secretariat and with some POA Members the need for an adequate needs assessment before any training or placement is provided. As noted above, some countries had objected to POA conducting a capacity needs assessment of any individual office without their full concurrence. However, it was agreed with the Secretariat that they must do a proper assessment before approving any training activity, ensuring the alignment of the training needs with the skills and experience needed to address them, and the qualifications of the person selected for the activity. Similarly, the POA Secretariat must be involved in any selection process for placements and training supported by POA (see recommendations section below).

99. **Budgets.** The six monthly Activity Reports include a budget acquittal as an attachment. These attachments provide an outline of amounts spent on individual activities and on staff (a single line staff cost entry, which in effect is a contribution to POA Secretariat costs). The Activity approval document included an outline budget whereby AusAID/NZ funding of about 57% of Secretariat staff costs and on-costs was included (40% of overall budget). The basis of this cost sharing is not recorded in the report, and no further details are provided in regular Activity reports. The Review Team is not in a position to comment on the appropriateness of this other than to note that most activities are person-delivered, some directly by the Secretariat (training, assessments, website), thus this is not just administrative expenses. The reports indicate that annual budget estimates are provided to AusAID but the Review Team has only seen the initial four-year approval document. AusAID also receives annual budgetary documentation with six monthly acquittal of expenditure. It is not the purpose of this review to “audit” this, rather to note that there is a system in place for this. However it is unclear what feedback or management guidance AusAID provides.

100. **POA Internal Review Process:** the July-December 2012 Activity Report provides some reporting on an internal review of POA, which was discussed in some depth during the 2012 POA members’ meeting. The meeting included a detailed review of how/whether POA was meeting its mandate, what POA should be doing in the future, and a planning session for the future. The Meeting concluded they were on the right path and requested further AusAID and NZMFAT support for this. This self-assessment is something to be encouraged. The Activity Report also briefly reported on discussions on how it might measure the impact of the POA support to the Samoa Ombudsman Office; no details are provided but such self assessment again is laudable.

101. **Challenge:** measuring improvements in effectiveness and efficiency of organisations supported by POA is recognised by POA as a challenge. The POA Secretariat is refining its organisational assessment methodology with a view to assisting here.

102. **Future M&E and Reporting Requirements.** In its joint questionnaire response to the Review Team by the Ombudsman Offices of the Commonwealth, New South Wales and New Zealand, they were strongly of the opinion that the current reporting system, analysis and feedback was sufficient. These views are quoted at some length in this paragraph and in para.106 below as there will obviously be reluctance to report in more detail than currently done. The joint response

stated that the activity reporting was sufficient in their experience to assess the usefulness or otherwise of an individual activity. They indicated that many of the reports are extremely comprehensive, especially in proportion to the low cost of most activities. Although there is a template for reports, there is some flexibility in the way that reporting can be made. Reports are sometimes supported by a verbal de-brief from either the office or the individual involved in that activity.

103. They also noted that “if AusAID required more reporting on effectiveness, it would create an additional workload for POA members or the Secretariat. We would not support automatic reporting on individual activities to AusAID. We have concerns about the sensitivity of that information. It is also difficult to see what use AusAID would find for those reports, given the lack of response to, or interest in, the six monthly reports. We consider that the effectiveness of activities is sufficiently closely monitored by the existing arrangements and we would be concerned about any requirement to increase the reporting, particularly where it was not apparent that increased reporting would lead to improvements in the quality of activities”.

104. The Review Team to some extent has some sympathy with the view of the Commonwealth, New South Wales and New Zealand Ombudsmen. Many of the activities are indeed low cost, and even in total represent under \$0.5million in a year. What would be useful, however, is for a simple overall M&E framework (based on a better articulated theory of change) to be established showing how (i) the POA support contributes to the PIFS and AusAID strategy and objectives for improving good governance in the Pacific (as discussed in the Relevance section above), and then (ii) for POA to identify and show in its six monthly activity report, specific contributions to and linkages of the individual activities to achievement of these objectives – i.e. show how each activity output and outcome contributes to this overall framework objective. This should include some collection and reporting on quantitative data and need not be unduly burdensome; indeed it is likely to help POA remain focused on these objectives when using support provided by AusAID. If the individual activity is not in fact supportive of AusAID objectives, but POA wishes to proceed anyway, then this activity could simply be funded from non-AusAID funds.

105. **Conclusion:** In conclusion, while there is a relatively robust feedback mechanism within POA, there does not seem to be an effective M&E framework and reporting/feedback mechanism between the POA Secretariat and AusAID for this program. This seemingly was not established at the time of approval of the AusAID support, and it is not clear why no action has been taken in the interim on this, although commissioning this Review is a step in this regard. This needs to be addressed before any future funding phase goes ahead. The covering letter/memorandum from POA to AusAID attaching the Activity reports and Board Minutes could highlight the objectives discussed above. In addition, the letter/memorandum could highlight any particular lessons learned in the reporting period, a component already included in the Activity Report, and any specific issues on which POA would like guidance. This should encourage a response from AusAID.

## F. Sustainability

106. Conference participants stated clearly that POA as an institution would continue as a regional institution even if AusAID and NZFMAT ceased providing funding support. However, several activities would have to be curtailed. In particular, POA would perhaps find it necessary to reduce annual meetings to biennial or to conduct meetings electronically, neither of which would be particularly effective in the view of the review team, but which are allowed in the POA Charter.

107. The NSW Ombudsman noted that his government currently provided substantial support to POA activities, including support for training, placements, and own staff costs at meetings. Whilst continued support was a State Government decision, this was likely to be much easier if it was in parallel to, and hence supportive of, continued Commonwealth and AusAID assistance.

## **G. Cross Cutting concerns**

108. **Gender, disabilities and other concerns.** There is no discussion on this in any documents, nor are specific targets included in the approved Consolidation Phase documents; the POA Secretariat does not report specifically on this in the Activity Reports. It is apparent from representation in the Wellington meeting that females are well represented in the Ombudsman Offices. However it is not in POA's Charter to take on an advocacy role in this area, detracting from their mandate. If AusAID require data on this they could request the Secretariat to start collecting data and include in future reports, but the Review Team had neither the time nor resources to examine this; this would require information from each country. It is also not part of the objectives of the AusAID support for POA, and as noted is not part of POA's mandate.

## **IV. Issues, Conclusions, and Recommendations**

### **A. Issues**

109. Several issues have arisen during the course of this Review; some are referred to above in the different sections but are highlighted here due to their importance in facilitating decision making by AusAID and NZMFAT on further support to POA. Some arise from the analysis conducted by the Review Team, but several are issues that were raised by those interviewed.

#### **Support for Ombudsman and POA as part of holistic approach to good governance.**

110. Some concerns have been raised during the Review that AusAID (and NZMFAT) might better use its funds in support of good governance for other institutions such as support for auditor generals, or strengthening legal systems. The Review Team, however, is concerned that in pursuit of supporting Pacific Plan 12.1, accountability and transparency do not seem to be looked at as a "package" and that a holistic approach is not being taken. The Review Team is of the view that AusAID needs to consider whether to provide support for Ombudsman Offices, or not, as part of its overall strategic approach to improving governance in the Pacific as a whole, and not look at it in isolation. Is this an area where AusAID has some comparative advantage in providing support? Is this a gap that no other donor is covering? In this context it is important to know whether support to POA is indeed helping strengthen Ombudsman Offices, improving governance and thereby improving delivery of services and management of resources (as discussed above, POA members universally support POA in this regard, but one or two persons interviewed dismissed POA as only being useful for networking, although this is not its main role). On the basis that POA does have significant value (as this Review concludes) then the question is not really one of whether the Ombudsman Office is the most important area to invest in and thus whether support should be provided instead to Auditor Generals, or parts of the legal framework. Rather it is a question of whether Ombudsman Offices are to be supported as part of an overall good governance strategy.

111. Multilateral and bilateral donors seeking to address good governance generally approach it through economic institutions such as the auditor general or through public sector management, including transparency and accountability, regulatory reform and public sector skills and leadership. Some of the many issues that are treated under governance programs include election monitoring, building independent judiciaries and anti-corruption and integrity institutions as well as security sector reform, improved service delivery, transparency of government accounts, decentralisation, government responsiveness, and the stability of the regulatory environment. Donor engagement with partner countries is in the main through that country's national institutions.

112. The role of national institutions is primarily to manage a nation's resources, systems and processes efficiently and in a way that supports the best interests of and provides a benefit to all of its citizens equally. National institutions do not work in isolation; those that do generally fail.

113. An auditor general seeks to ensure that Parliament, and beyond that government agencies and employees, have a degree of financial accountability. An ombudsman office has a similar role but with a greater emphasis on interacting with the wider community on questions of unfair administration. Attorney generals, as principal legal advisers to government, have overall responsibility for prosecutions including those related to corruption and maladministration, while the law and justice system more broadly has responsibility for the rule of law, that is, ensuring laws are applied equitably and that all citizens receive equal treatment before the law.

114. A transparent system must also possess checks and balances designed to achieve a balance between independence and accountability and between the various arms and agencies of government. This disperses power and limits opportunities for corruption and conflicts of interest. Dispersal of power, enhanced institutional independence and increased accountability and organisational capacity make it more difficult for a well-placed politician or public servant to distort the system. However, this cannot be achieved overnight or by concentrating on one integrity organisation alone.

115. Corruption and maladministration in all their forms are dynamic and in some cases inter-related so must be addressed in an integrated, holistic and dynamic way. Correspondingly, an integrated approach to building the capacity of integrity organisations such as ombudsman offices and auditors general (which are also inter-related) is essential, and should recognise (and as does the Pacific Plan) the necessity of building public confidence in these institutions as well as improving their performance. POA is an important part of this network of Pacific integrity institutions and should continue to be supported.

#### **Do all PICs need an Ombudsman Office or Complaints Handling Function?**

116. The question has been raised as to whether all countries need an Ombudsman Office or an Ombudsman type function, including complaints handling, and thus whether AusAID (and NZMFAT) should be supporting POA in all countries. This is particularly a concern in the small island states with limited capacity and resources. It might be noted that POA provides assistance to related offices, such as RMI where the Auditor General's office provides this function, so continued POA assistance is not an issue. However, whether a small state should support or prioritise any form of complaints system as part of good governance, given its resource constraints, is not an issue that can be solved by this review. It would need specific country analysis on what would be appropriate (e.g. for Tuvalu). POA does assist and encourage the development of such parts of governance, but is careful not to play a strong advocacy role in countries where it does not exist. However, AusAID might wish to as part of its governance strategy.

117. **Complaint handling** – improved complaint handling is expected to contribute directly to more transparent and open administration, in turn contributing to improved governance. Some member countries have formal complaint handling procedures others do not, or have very limited systems which are used to a greater or lesser extent. Many Pacific Island countries do not have a culture of making complaints even where systems are in place to deal with them. In addition, complainants often belong overwhelmingly to one or other elite<sup>11</sup>.

118. However, even where culture is not a consideration, many citizens do not have access to a formal justice system when they have complaints about maladministration or poor service; this can be because of education, cost or accessibility. An ombudsman complaints handling system can provide a mechanism for these citizens and an important link between them and the government. This is a major issue where POA could bring a regional focus and shared knowledge to bear in the future.

---

<sup>11</sup> For example, New Zealand found that more than 70% of Ombudsman complainants in 2010/2011 were white, male and tertiary educated.

## Pacific Ombudsman Alliance

119. **POA Ownership and Participation.** Concern has been expressed about the possible domination of POA by the Ombudsman Offices from Australia and New Zealand, and also PNG. Interview respondents noted that while this might have been the case when POA was being established, this is no longer so, with active participation by most Members. However the SIS countries voiced their appreciation of the SISWG where their concerns could be more readily addressed without Melanesian concerns dominating.

120. **POA regional voice:** The issue arose in Wellington of whether POA should have a regional voice. Participants seemed to think it should have both a regional role and a regional voice, leading and lending strategic support to all members. PNG and others also thought that POA should have a greater voice in regional organisations such as the PIFS and the Secretariat of the Pacific Community (SPC), with an agenda item in regional meetings. However some participants (e.g. Kiribati) stated that POA should not play an advocacy role and should be sensitive to different cultural complaints and problem solving ways. Nauru noted that there is an “Island way of thinking”.

121. The Ombudsman Offices of the Commonwealth, New South Wales and New Zealand, in their response to the questionnaire, considered that POA should have a regional voice in promoting the links between Ombudsmen, complaint-handling, governance and development. POA should continue to attempt to put its voice before important regional meetings — noting that it is likely to be a long and gradual process. However, they emphasized that being a regional voice is a secondary role for POA, and should not be at the expense of POA's primary role in assisting its members. They indicated that part of the reason that POA is now able to speak with some authority on behalf of its members is because of the practical work that has been done in the past four years.

122. Overall the Review Team considers that POA could usefully have a voice in regional meetings such as PIFS to represent and support the role of Ombudsman, but expresses caution on whether this should extend to any advocacy role, which could undermine its effectiveness in some countries.

## Legislation

123. Responses also highlighted an unsatisfactory situation with accountability legislation in many Pacific island countries. Appropriate legislation is critical not only to spell out accountability requirements, codes of behaviour and penalties but also to clarify questions such as the role and functions of accountability organisations, their independence and reporting requirements including publication of findings, their ability to prosecute and to apply penalties. Almost all enabling legislation appears to be out-dated or unsuitable for a 21st century democracy and much of it dates back to colonial handover times; this also applies to non-ombudsman accountability institutions such as the RMI and Nauru audit offices. It could be assumed that government and public sector accountability is not a high priority for many governments.

124. Some redrafting of legislation has been commenced in recent times with POA assistance, (e.g. Samoa and Tonga), however, redrafting can be a double edged sword. In PNG for example legislative amendments before Parliament sought to remove or limit some ombudsman powers. The PNG Ombudsman's Office is currently before the Supreme Court seeking to overturn these changes with the support and assistance of the POA.

## Resources

125. In many countries POA activities supplement a crippling lack of ombudsman resources. In recent years there have been budget cuts across most countries in the Pacific, but the Review Team has no time or resources to analyse whether these budget cuts have been applied across the board of the various public sectors or whether greater cuts have been made to accountability

organisations, as some participants seem to perceive. If the latter is the case, then this could represent a deliberate government strategy to mitigate the work of these institutions. Alternatively, they might simply reflect greater government priorities for other areas rather than governance (such as growth, water supply, infrastructure, education), given competing demands and limited resources and the longer term nature of any benefits from improved governance (i.e. benefits not so visible). Interview and questionnaire responses provide a litany of lapsed statutory appointments, an absence of acting arrangements, large numbers of vacant positions and no funds for provincial travel or public awareness campaigns. In some cases, for example the Solomon Islands where pre-addressed ombudsman complaint forms have been placed in every post office, limited resources have resulted in innovation, often based on POA advice.

## Others

126. **Training, Placements and Needs Assessment** – as noted in para.101 above, an adequate needs assessment is needed before any training or placement is provided. However, as also noted above (para.96), some countries had objected to POA conducting a capacity assessment of any individual office without their full concurrence. The Team discussed and agreed with the Secretariat that they must do some form of assessment before approving any training activity, ensuring the alignment of the training needs with the skills and experience needed to address them, and the qualifications of the person selected for the activity. This assessment, however, need not be a total capacity assessment of the whole Ombudsman Office unless that Office agreed. Similarly, the POA Secretariat must continue to be involved in any selection process for placements and training supported by POA (see recommendations section below).

127. **Cost of Conferences and the Annual Meeting** – these are relatively expensive, particularly when rotated around Member countries, and take up a relatively large amount of the annual expenditure budget. Attempts should be made to reduce expenditures (see paras.91-95 above). Large and expensive regional meetings, with participants travelling from afar, attract attention and comments from detractors, and divert attention away from other activities being effectively pursued by POA. The suggestion for consolidation of regional meetings was not supported by POA, but trying to organize back-to-back meetings could be workable in some instances, and might be more readily workable for SIS where the Ombudsman functioned is carried by another office (e.g. Auditor General).

128. **Measuring Improvements in Effectiveness and Efficiency:** as noted in para.103 above, the July-December 2012 Activity Report briefly reported on discussions on how POA might measure the impact of the POA support to the Samoa Ombudsman Office; no details are provided but such self assessment should be pursued.

129. **M&E Framework:** Currently, while there is a relatively robust feedback mechanism within POA, there does not seem to be an effective M&E framework and reporting/feedback mechanism between the POA Secretariat and AusAID for this program, as discussed in section III E above (paras.97-108). Recommendations for improved M&E are included below.

## B. Lessons Learned

### Education and Awareness Programs

130. An area of critical importance to good governance and improved public administration is engagement with the wider community. Ombudsman offices are frequently the only way for citizens to seek recourse for maladministration or problems with government services, and public awareness and accessibility are fundamental to the effectiveness of these organisations. The need to engage with members of the public appears to be considerably underdeveloped in Pacific island countries although Samoa, Tonga, Nauru and RMI all reflect an awareness of this problem in their questionnaire responses. There is a need, supported by Transparency International in both the

Solomon Islands and Vanuatu, for more to be done in this area and POA is potentially an appropriate vehicle for improvements to public awareness and education programs. Transparency International conducts many public rights education activities and in consultations with the review team indicated a willingness to host these jointly with ombudsman offices.

131. POA maintains a website which is available to both member organisations and the wider community, and which could contribute to outreach activities. Although it is professionally maintained and easy to use, it has not proved to be as widely used as was anticipated when it was established. Possible reasons for this include the unreliability of communications technology across the region and an apparent lack of willingness to commit issues and concerns to such a public forum. This should be taken into account when developing public education programs.

### **Publications of Outcomes**

132. A further aspect of improved public awareness is the publication of the outcomes of ombudsman investigations. In some cases responsibility for prosecution is handed to another agency so publication of information is limited. In the case of Tonga, for example, the office is specifically barred by legislation from publicising the outcome of investigations and this is unlikely to be changed as a result of the current legislative review. There is clearly a great deal of work to be done here.

### **Building Strong Relationships**

133. Strong working relationships with other integrity organisations underpin strengthened governance and accountability. Regular meetings between ombudsman offices, attorney generals departments, audit offices and others even where these are informal do a great deal to encourage and support initiatives in good governance. While recognising that every agency has differing roles and responsibilities and that independence is a key component for several of these institutions including the ombudsman, a meeting similar to the Solomon Islands' Integrity Forum goes a considerable way to improving information exchange, developing joint strategies and initiatives where appropriate and strengthening public confidence in integrity institutions. A recommendation is included below in this regard.

### **Modeling Governance**

134. The power of the ombudsman function is bedded in independence, objectivity, investigation, due process, conciliation and persuasion. The POA presents a work style based on these values, with information exchange, accessibility and approachability, consultation, shared power and decentralised decision-making features of how it conducts its operations. This is as effective a model of good governance as member countries are likely to find anywhere.

## **C. Conclusions**

135. Overall the Review Team considers that POA is providing a valuable function to strengthening Ombudsman Offices and to improving governance in the Pacific, as summarized below. The cost of the support is relatively small and AusAID (and NZMFAT) should continue to provide such support. The timing, duration and scale of such assistance should be determined based on an assessment of a revised work plan to be proposed by POA, and should be based on a clearly articulated theory of change, which should be developed by AusAID for any such next phase. This national government level support also lends legitimacy to the support provided by the three Ombudsman Offices of the Commonwealth, New South Wales and New Zealand. But as also noted below, Ombudsman Offices should be assessed and supported as a component within a more strategic and holistic approach to supporting good governance in the Pacific, and not be looked at in isolation.

## Ombudsman Function

- Ombudsman functions have an integral role in the broader networks supporting improved governance and accountability both within individual countries and across the region.
- There is much to be gained in good governance by encouraging regular meetings and information exchange among integrity organisations within individual countries. Regional meetings which also focus on these issues encourage and give a profile to this work.
- While intrinsic to these broader networks, ombudsman offices also have a unique role within each country, particularly in the Pacific in relation to accessibility and to representing the interests of the wider community of citizens in matters of maladministration.
- For this reason, capacity in complaints handling, public outreach and education is essential and needs to be strengthened.

## POA and Capacity Building and other Support

- Many ombudsman functions (and similar organisations where ombudsman offices do not exist) are subject to increasing reductions in resources as well as being limited by out-dated or outmoded legislative platforms. POA is a source of advice and support for ombudsman offices to fulfill their functions, including assistance in developing alternative approaches to these problems, as well as in negotiations with individual governments.
- POA is a mature regional professional organisation which operates effectively at two levels – nationally by upgrading organisational and individual capacity of ombudsman offices and regionally by maintaining a valuable profile for governance and anti-corruption issues and by representation.
- POA appears able to tailor its activities to differences in culture, environment, budgets and other unique requirements of member countries. In the words of Samoa and Tonga “it speaks with a Pacific voice”.
- POA has demonstrated the ability to work effectively with non-ombudsman organisations in working towards to goal of better governance.

## POA and Reporting

- Many POA activities are low cost, and even in total represent under \$0.5million in a year.
- To meet needs for a more outcome oriented reporting system to AusAID, a simple overall M&E framework could be established (based on a better articulated theory of change) showing how the POA support activities contribute to the PIFS’ and AusAID’s strategy and objectives for improving good governance in the Pacific.
- POA’s six-monthly reports should identify specific linkages in the individual activities to achievement of these objectives, showing how each activity output and outcome contributes to this overall framework objective. This should include some collection and reporting on quantitative data and need not be unduly burdensome; indeed it is likely to help POA remain focused on these objectives when using support provided by AusAID. If the individual activity is not in fact supportive of AusAID objectives, but POA wishes to proceed anyway, then this activity could simply be funded from non-AusAID funds.

### D. Recommendations

136. **Recommendation 1:** Consistent with AusAID’s overarching Governance Thematic Strategy and in the context of the Pacific Plan, AusAID should take an integrated, holistic approach to Pacific regional and country programs designed to strengthen good governance, recognising the inter-relatedness of integrity organisations, including NGOs, both nationally and across the region. If AusAID is to support the POA and ombudsman offices this should be part of a broader practically based strategy supporting good governance, accountability and transparency across the Pacific. AusAID should further develop its current governance strategy to include this.

137. **Recommendation 2:** AusAID should continue to support the POA in recognition of the value this relatively small amount of funding represents in strengthening ombudsman offices and other integrity organisations, and in recognition of the role ombudsman functions play in improved governance. The timing, duration and scale of such assistance should be determined based on an assessment of a revised work plan to be proposed by POA, and should be based on a clearly articulated theory of change, which should be developed by AusAID for any such next phase (see Recommendation 7).

138. **Recommendation 3:** POA's work program should continue to focus on individual capacity building, organisational capacity building, legislative improvement, establishment and design of new systems or organisations, and outreach and education. However, priorities should be revisited to ensure public outreach and education, and complaints handling, central to the ombudsman role, are appropriately supported wherever possible. This should include a better balance of expenditure between these activities and the cost of regional meetings.

139. **Recommendation 4:** POA should help foster relationships with other integrity organisations within member countries, while recognising that independence is a key consideration for these institutions, with a view to improving information exchange, developing joint strategies and initiatives where appropriate and thereby strengthening public confidence in integrity institutions.

140. **Recommendation 5:** some form of needs assessment should be conducted for training and placement initiatives, ensuring the alignment of the training needs with the skills and experience needed to address them, and the qualifications of the person selected for the activity. Similarly, the POA Secretariat should continue to play a role in any selection process for placements and training supported by POA.

141. **Recommendation 6:** expenditure on the Annual and regional meetings should be reduced as it is relatively expensive and uses a relatively large amount of the annual budget, attracting comments from detractors, and diverting attention away from other activities being effectively pursued by POA. Reductions in expenditure could be achieved by holding the face-to-face Annual meeting on a biennial basis, with a video-conference in the alternate year. Alternatively, if face-to-face Annual Meetings are to continue, then care needs to be taken in selecting the location, avoiding high-cost venues.

142. **Recommendation 7:** POA's current reporting system to AusAID (i.e. Activity Reports and Minutes from POA Board meetings) should continue, with the POA Board continuing to direct and supervise work activities. A simple overall M&E framework should be developed linking the specific POA activities to the Strategy recommended in Recommendation 1 above, and with quantifiable performance measures. A clearly articulated theory of change should be developed for the next phase as part of this. An improved reporting and feedback mechanism should also be developed, clearly linking inputs and activities to outcomes and anticipated impacts. As part of this, the six-monthly report to AusAID should include a covering letter or memorandum summarising how the activities and their outputs/outcomes link to the Strategy objectives. It should also highlight any issues that need to be brought to AusAID attention or on which AusAID guidance is sought.

## Annex 1: List of Key Persons met

### A. Canberra Consultations

Name	Position
Jodie McAlister	Director, Governance and Growth Section, Pacific Division
Sarah Toh	Program officer, Governance and Growth Section
Megan Brewer	Senior policy officer, Law and Justice Thematic
Melinia Nawadra	Program manager, Law and Justice – Suva (by teleconference)
Carolyn Langley	Manager, international program
Lynley Ducker	Director, international program
Sina Hutton	International program officer

### B. Wellington POA 4th Annual Members Meeting

Name	Position
Phoebe Sangetari	Ombudsman Commission of Papua New Guinea
Jeannine Daniel	Ombudsman Office of the Cook Islands
Tautongo Kaitele	Kiribati Public Service Office
Bruce Barbour	Office of the New South Wales Ombudsman
Colin Neave	Office of the Commonwealth Ombudsman
Beverly Wakem	Office of the Ombudsman of New Zealand
Junior Patrick	RMI Office of the Auditor General
Joe Poraiwai	Office of the Ombudsman of the Solomon Islands
Emmanuel Kouhota	Leadership Code Commission of the Solomon Islands
Gilian Itsimaera	Republic of Nauru Department of Audit
Maiava Iulai Toma	Office of the Ombudsman of Samoa
Sateki' Ahio	Office of the Commissioner for Public Relations of Tonga
Pilimisolo Tamo'ua	Office of the Commissioner for Public Relations of Tonga
Alain Molgos	Office of the Ombudsman of Vanuatu

### C. Consultations via Teleconference

Name	Position
Charmaine Rodrigues	UNDP
Ranmali Fernando	NZMFAT
Anna Pasikale	NZMFAT
Lorraine Kershaw	PIFS
Mose Saitala	Director, Commonwealth Pacific Governance Facility (Solomon Islands)
Hardison Tabi	Transparency International Vanuatu
John Taupongi, Shepherd Lapo, Ruth Liloqula and Edward Suinao.	Transparency International Solomon Islands

## **Annex 2: List of Key Documents Reviewed**

Charter of the Pacific Ombudsman Alliance

Pacific Plan November 2007

An Effective Aid Program for Australia – June 2012 Update

Australia's Framework for Law and Justice Engagement with the Pacific, June 2010.

Activity Completion Report Pacific Public Sector Linkages Program January 2010

POA Secretariat 6 Monthly Activity Reports November 2009 – December 2012

November 2009 Activity Schedule "In Relation to cooperation between the Commonwealth Ombudsman and AusAID to POA: Consolidation Phase.

Selected POA Network News October 2007 (Issue 11); September 2012 (Issue 28); December 2012 (Issue 29); February 2013 (Issue 30).

Agenda and Supporting Papers for POA 4th Annual Members' Meeting 10-12 November 2012, Wellington

Project Document, UN Pacific Regional Anti-Corruption Project, United Nations Office on Drugs and Crime, 2012

Accountability and Oversight: The Machinery of Leadership Codes in the Pacific, Rawlings, ANU 2006

Leadership Codes and Corruption Prevention, J T D Wood, RAMSI Accountability Program 2009

Principles of Leadership, Pacific Islands Forum, 2007

Principles for Good Governance in the 21<sup>st</sup> Century, Graham, Amos & Plumptre, Institute for Governance 2003

Opening Government, Transparency & Accountability Initiative 2012

Donor Aid: New Frontiers in Transparency & Accountability, Transparency & Accountability Initiative 2011

### Annex 3: POA Consolidation Phase 2009 – 2013 – Proposed Resourcing of the Facility

Activity budget (A\$)					
	Cost sharing				
	Applicant contribution	Counterpart Contribution if any			
			Third party contribution	AusAID funds requested	Total
<b>Staff costs b</b>					
Salaries	\$116,032.00	\$0.00	\$0.00	\$645,040.00	\$761,072.00
On-costs if any	\$361,568.00	\$0.00	\$0.00	\$0.00	\$361,568.00
Travel costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Living expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Subtotal</b>	<b>\$477,600.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$645,040.00</b>	<b>\$1,122,640.00</b>
<b>Consultants costs</b>					
Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Travel costs	\$0.00	\$0.00	\$0.00	\$0.00	\$
Living expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Counterpart organisation costs</b>					
Travel costs	\$0.00	\$110,600.00	\$0.00	\$0.00	\$110,600.00
Living expenses	\$0.00	\$186,600.00	\$0.00	\$0.00	\$186,600.00
<b>Subtotal</b>	<b>\$0.00</b>	<b>\$297,200.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$297,200.00</b>
<b>Procurement costs</b>					
Other Board determined activities	\$0.00	\$0.00	\$0.00	\$867,000.00	\$867,000.00
NZAID funds	\$0.00	\$0.00	\$0.00	\$300,000.00	\$300,000.00
<b>Subtotal (Board)</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,167,000.00</b>	<b>\$1,167,000.00</b>
<b>Training</b>					
	\$0.00	\$0.00	\$0.00	\$0.00	
<b>Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.</b>
<b>Administration 2% costs/overheads</b>					
Administration 2% costs/overheads	\$0.00	\$0.00	\$0.00	\$42,972.00	\$42,972.00
<b>Other (specify)</b>					
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$42,972.00</b>	<b>\$42,972.00</b>
<b>Total</b>	<b>\$477,600.00</b>	<b>\$297,200.00</b>	<b>\$0.00</b>	<b>\$1,855,012.00</b>	<b>\$2,629,812.00</b>
Year	2009/2010	2010/2011	2011/2012	2012/2013	To December 2013
AusAID/NZAID funds	\$463,753.00	\$463,753.00	\$463,753.00	\$463,753.00	

Source: AusAID Activity Proposal Report 5 August 2009

## **Annex 4: Questionnaires : Review of Country Responses**

### **A. Legislation**

1. This set of questions was included when the team was considering including some country analyses as illustrative of the impact of the POA at country level. However, apart from time constraints limiting this, it was concluded that this would require resources far in excess of those available, requiring country visits to be effective. In addition, it was agreed with AusAID that it was not the purpose of the Review to examine the effectiveness of individual Ombudsman Offices which is beyond the mandate of AusAID and its current assistance. Furthermore, the individual Ombudsman Offices expressed objections to such an approach.

2. The responses have been included here, therefore, simply for reference purposes.

### **B. Relevance**

3. The questions posed were:

- (i) What issues related to good governance and sound public administration are the main concerns of your individual ombudsman office/allied organisation? Please cite examples.
- (ii) How do you see POA activities (training, placements, regional meetings) contributing to enhanced government accountability and transparency in your country?

4. The answers provided reconfirmed responses made during interviews conducted during the 2012 POA Members' Meeting in Wellington, and did not add anything new. The main issues cited related to: (i) lack of budget and skilled staff; and (ii) constraints on powers and independence. Regarding the latter, lack of government priority or commitment and possible conflicts of interest and nepotism in appointments were cited.

5. The responses also reconfirmed that the countries valued the training and placements organised by POA, and also the regional meetings such as the Annual Members' meeting where they can meet and discuss with colleagues particularly on issues of governance, transparency and accountability, but also on legislation, investigation processes and techniques. This interchange encourages and strengthens the work of their institutions.

6. On Leadership Codes, and whether separate sub-group would be useful, this was not seen as needed.

### **C. Effectiveness**

7. The questions posed were:

- (i) What do members believe to be the three (or more) major contributions of the POA to their operations in your own countries – please cite examples.
- (ii) Are there any additional functions or activities the POA should undertake in support of the Pacific ombudsman network, or their country?

- (iii) The POA Annual meetings provide an opportunity for reporting and feedback, but overall do you consider the reporting and feedback mechanisms between members and the Board effective?
- (iv) Is the POA Annual Meeting and its consultation processes effective in determining the future work program of POA and its Secretariat? Should any changes be made?
- (v) In Wellington members cited examples of interaction with politicians, the public service and members of the public? Please provide specific examples of this and the effectiveness of information exchange and the communication strategies adopted by your office. Do you think the existence of a very specific code of conduct for politicians and public servants which was widely circulated would increase the level of complaints?
- (vi) **Staffing:** Do you have any staff vacancies in your office and if so how many and how long have they been vacant? What is the likelihood of any vacancies being filled in the next six months?

8. The responses again valued the POA meetings and skills development, and cited in particular placements as a key POA contribution to their operations. The meetings are a forum for sharing ideas and learning, and collegiality. They help in particular in identifying solutions; one responder suggested that more written reports on these experiences would be valuable.

9. The smaller states praised the SIS forum which allowed more interaction amongst themselves in the absence of the Melanesian countries and Australia and New Zealand.

10. Skills development was cited as a key POA contribution to date. Placements were cited as particularly valuable, providing practical advice tailored to skill and behavioural needs. Provision of quick professional external advice was also cited.

#### **D. The Way Forward**

11. The question posed was:

How do Members perceive the POA evolving in the future and would they like to see any specific change in direction for POA?

12. POA is seen as an agent for bringing about change and improvements, helping highlight good governance, accountability and transparency. Improving public awareness was also valued. POA can help in making these top government priorities. POA reflects a genuine commitment in the Pacific to integrity in governance. No proposals were made for change, but it was noted that current arrangements depend on funding.

#### **E. Targeted Governance Questions**

13. The questions posed were:

- (i) When investigation of a complaint is completed what happens then? If it is found that there is a case to answer is the completed investigation referred for action to the Parliament, the Prime Minister or the Public Prosecutor?
- (ii) Do you have any record of what happens to investigation files once they leave your office? Are the results of investigations published and if so where, for example the Government Gazette, newspaper public notices? What notice goes to complainants?

14. Responses here were very limited, suggesting capacity constraints in answering this.

