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Ombudsman.

“Ombudsman” is originally a Swedish word that comes from the Old Norse *umbóth* (commission, order); the ancient ombudsman received a charge or request to act as a third party. A modern ombudsman may be described as an objective, impartial person, usually in a high position, whom people can approach in strict confidence—and, therefore, safely—with complaints of unfair or improper treatment, a request for an independent perspective, or inquiry into bureaucratic practices or policies. The ombudsman concept has a long history in many cultures, embodying a safe intermediary or adviser, a protector, the “conscience” of a ruler, or a person to help individuals or groups request and transmit restitution.

The modern ombudsman may be traced back to 1809, when the Swedish parliament established the position of Ombudsman of Justice to investigate and address complaints by individuals against government officials. That ombudsman had no formal decision-making powers but did have the ability to investigate issues, to make recommendations and negotiate for their implementation, and to make reports.

The classical, public-sector ombudsman has spread worldwide, into more than a hundred countries, dozens of states, provinces, and local governments. Many titles are used in addition to Ombudsman: (Public) Protector, Mediator, Provider of Justice, Citizen’s Aide, Guardian of the Peoples’ Tears. Proliferation has been rapid in recent decades, in support of democratic participation in government, public accountability, limitation of state abuse, and support of human rights. The classical ombudsman is usually appointed by a legislature to address citizen complaints of improper or unfair administrative actions, and/or to deal with human rights issues.

New models of ombudsman have developed, and new titles have appeared, such as the gender-free “ombud.” The role is sometimes “reinvented” and reappears without a knowledge of the original concept.

Organizational ombudsmen handle complaints and disputes independently and informally. They work with employees, managers, students, patients, and others—complainants, respondents, and bystanders—in private and public organizations. (Managers may bring their own problems and also ask for recommendations on systems change.) The most numerous type of ombudsman, organizational ombudsmen handle individual concerns, multi-cohort and multi-issue cases, and systems issues. Organizational ombudsmen, like classical ombudsmen, advocate for procedural justice, fairness, and equity, not for specific complainants.

Advocate and specialty ombudsmen investigate, mediate, advocate, and protect, on behalf of designated groups (e.g., residents of long-term health-care facilities, newspaper readers) or with respect to specific concerns (e.g., the welfare of children, gender discrimination). There are also executive ombudsmen, analogous to classical ombudsmen, but appointed by an official, like a city mayor.

Most ombudsmen have no formal decision-making power, though some classical ombudsmen have subpoena powers, can sue, and may issue binding requirements. Most ombudsmen function through inquiries or fact-finding, reasoning with people, using persuasion and mediation, or by making formal and informal reports.

The very role of the ombudsman acknowledges the potential for maladministration in bureaucratic or other power structures, and the existence of conflict and mistreatment in all organizations. An ombudsman serves as a protector of people trying to address such problems and may empower them to deal with problems by themselves. Ombudsmen eliminate barriers to pursuing grievances, cut through red tape, and foster efficient and courteous responses to inquiries. They may inquire or investigate, mediate, recommend, and promote appropriate change; they try to prevent retaliation. They follow up to see that appropriate action is taken. The nature and complexity of cases vary widely. One complainant might allege widespread corruption in an agency, or denial of service; another might claim unjust dismissal, bias, harassment, conflict of interest, or intellectual-property infringement.

In addition to responding to inquiries regarding policies and procedures or apparently improper implementation of policy, an ombudsman is authorized to address matters where there are no clear-cut policies, rules, guidelines, or procedures in place. This includes many kinds of apparent human-rights violations. The ombudsman thus complements and supplements formal complaint mechanisms, the courts, and political and legislative processes. When inquiring into a matter, an ombudsman considers whether an action or decision or process meets standards of equitability and community interests, as well as legal and procedural norms, and is especially alert to the systems implications of every complaint. The ombudsman function is built on the recognition that formal rights, protections, and procedures, by themselves, are insufficient to prevent or remedy all the injustice and intangible injuries that can be perpetuated within, or by, a government, agency, or organizational bureaucracy.

The larger ombudsman community disagrees as to whether all types of ombudsman should properly be called an ombudsman, but all ombudsmen share three characteristics:

- 1. Independence.** All ombudsmen believe that an ombudsman must be, to the greatest extent possible, independent of those about whom he or she receives complaints. For classical and advocate ombudsmen, this is ideally achieved by legislative statute; for organizational ombudsmen, by a formal charter or terms of reference and reporting to the CEO or board. In addition to formal protection of an ombudsman's independence, the constituency must see the ombudsman as independent. The ombudsman's freedom of action—to look at any problem, to speak the truth to those in power, and to resist intimidation—is as important as the formal definition of the ombudsman's role.
- 2. Objectivity/Impartiality/Neutrality.** Complainants, respondents, and all constituencies must have confidence that the ombudsman conducts inquiries in an impartial, objective, and fair manner. Lacking power to make, change, or set aside a law or policy or management decision, the ombudsman's influence depends significantly on objectivity and impartiality.
- 3. Confidentiality.** Many barriers prevent people from coming forward with complaints against powerful people and organizations. If people are to report perceived wrongdoing and to answer honestly when the ombudsman inquires into a matter, then the ombudsman must maintain strict confidentiality, except where there is imminent risk of serious harm. Although many classical ombudsmen have statutory protection for confidentiality, organizational ombudsmen do not. Most organizational ombudsmen, however, have terms of reference that strongly support confidentiality, except in the event of imminent serious harm.

Ombudsmen are unusual, for reasons that, together, provide a platform for identifying and supporting changes that may improve the lives of many. They typically listen with care and respect to all. They have a wide-angle lens—they see the entire country, constituency, or organization that they serve, rather than just a part of it. By their terms of reference they have access to the highest levels. They can deal with multi-issue, multi-cohort cases that are subject to complex rules, regulations, and customs, and that reach across various boundaries.

Ombudsmen can deal with problems not previously recognized in that country, constituency, or organization. They may inquire about any matter within their mandate. They serve individuals and groups. They provide a wide range of conflict management and conflict prevention functions. In many cases they resolve a problem very quickly and efficiently. They serve to affirm and support good government and administration, as well as looking into concerns.

Importantly, the ombudsman is expected to raise issues that might otherwise remain unattended. The ombudsman is charged with identifying systemic problems in policies, procedures, and practices that regularly elicit complaints and that do not meet standards of fair and proper administrative functioning—and also with urging appropriate action to correct the problem. Most ombudsmen do not have to wait for complaints before addressing a matter; they have authority to initiate their own inquiries and make recommendations. This function is especially important for pervasive institutional or organizational problems that impact systems or groups of individuals.

[See also [JUSTICE VERSUS PEACE; MEDIATION, FORMAL; and NEGOTIATION](#)]

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