FROM THE PRESIDENT’S DESK

On March 7 and 8 I met with I.O.I. Vice President Lethebe Maine, Secretary Alice Tai, Treasurer, Dean David Percy, Regional Vice Presidents: Bruce Barbour (Australia), Jose Luis Soberanes Fernandez (Latin America and Caribbean), Peter Kostelka (Europe) and 2005 Annual Board Meeting Host Dr. Hayden Thomas in an extraordinary session in Mexico City. Also in attendance was I.O.I. Office Manager, Diane Callan. This meeting provided a wonderful opportunity for the continuing and newly elected board members to get to know one another and to plan how we are going to accomplish the goals and responsibilities of the Institute.

Dr. Jose Soberanes Fernandez, President of the National Human Rights Commission of Mexico, and Ambassador Salvador Campos graciously hosted this meeting. It was time well spent in a beautiful and historic setting.

Among the decisions we reached are some that should fulfill the perception of what the membership wants from the I.O.I. We will be seeking to enhance regional activity and hopefully be able to support that goal both organizationally and financially. An initial effort will be to target a training program within a designated region in the near future and to invite proposals for future programs.

We are also committed to broadening I.O.I.’s role with international and regional organizations which share our interest toward improving government performance and human rights. It is our intention during this process to identify and seek out funding resources that will help the I.O.I. meet the needs of our members.

We are going to strive to coordinate conferences and other activities with the ombudsmen and ombudsman associations internationally and regionally.

The Executive and the Regional Vice Presidents will be reviewing the I.O.I. committee lists with
the goal of better defining which ones are needed and how to structure them.

Very soon we will be inaugurating an unmoderated list serve for all I.O.I. members. This service should foster easy e-mail communications and dialogue among ombudsmen worldwide. We are also looking toward ways of adding to the I.O.I. web site as an important resource on the ombudsman information highway. One specific target will be to coordinate with other web site resources to offer either directly or indirectly, an electronic compendium of ombudsman legislation.

In November, the full Board will hold its annual meeting in Antigua and Barbuda hosted by Hayden Thomas. We have a lot of work to do between now and then. I look forward to hearing from you about the direction you want the I.O.I. to go.

Sincerely,

William Angrick II
President
December 2004
I.O.I. LIST SERVICE INITIATIVE

The I.O.I. will be providing a new list service initiative to all I.O.I. members. The list service initiative is designed to enhance the ability of members to communicate with each other and with the I.O.I. Postings to the list service will be accepted in any of the three official languages of the I.O.I. (English, French and Spanish). Full details will be provided in the June 2005 Newsletter.

I.O.I. TRAINING COURSE

At its meeting in Mexico City in March, the Board of Directors approved a proposal of the Latin American Ombudsman Association to expend up to $C10,000 for the delivery of training courses in the region. The courses will be coordinated by the I.O.I. and the Comisión National de Derechos Humanos and will make use of the I.O.I. Train-the-Trainer Manual, which is available in English, French and Spanish. The course will be offered in selected countries in the region.

The Directors invite regional vice presidents to poll their members in order to assess the needs within their region and to submit proposals for training courses to be offered jointly by the I.O.I. and a host office within the region. A modest level of financial support is available for regional training initiatives.

CALLS TO HOST THE 2008 I.O.I. IXTH INTERNATIONAL CONFERENCE—BIDS ACCEPTED UNTIL DECEMBER 2005

The I.O.I. Board is beginning to plan for the I.O.I.’s 2008 IXth International Conference. The I.O.I. will accept written bids from institutional members to host the IXth International Conference until the end of December 2005. Written bids can be sent to I.O.I., Faculty of Law, University of Alberta, Edmonton, Alberta, T6G 2H5, Canada, fax: (780) 492-4924; e-mail: dcallan@law.ualberta.ca

The past I.O.I. Conferences have been held in the following countries: VIII: Quebec City, Canada (2004); VII: Durban, South Africa (2000); VI: Buenos Aires, Argentina (1996); V: Vienna, Austria (1992); IV: Canberra, Australia (1988); III: Stockholm, Sweden; II (1984): Jerusalem, Israel (1980); I: Edmonton, Canada (1978).

NEW EDITION OF THE I.O.I. OFFICE PROFILES PUBLICATION WILL NOT BE COMPILLED

At their Meeting in Mexico City in March, the I.O.I. Board of Directors decided not to proceed with the project for the compilation of a new edition of the I.O.I. Office Profiles publication, a project that was restarted in 2004.

The I.O.I. wishes to thank those member offices which have submitted a completed Profiles form in the past few years.

WELSH OMBUDSMAN SYSTEM TO BE REFORMED INTO PUBLIC SERVICES OMBUDSMAN FOR WALES

NEWSLETTER VOLUME 27: Number 1 3
A bill to establish a Public Services Ombudsman for Wales was introduced in December 2004. The legislation will merge the offices of the Welsh Administration Ombudsman, the Health Services Commissioner for Wales, the Commissioner for Local Administration in Wales and the Social Housing Ombudsman for Wales.

BILL ON THE OMBUDSMAN OF SOUTH KOREA

A bill was introduced into the National Assembly of South Korea on February 1, 2005 that is designed to move the institution from the Prime Minister’s office to that of the President in order to give it more independence and to call it the “National Administration Ombudsman”. The bill permits the Ombudsman to report directly to the President and the National Assembly on unlawful and unreasonable administrative decisions. The Ombudsman will also be permitted to refer cases involving illegal conduct by public officials to the Board of Audit and Inspection. If passed, the legislation will enter into effect in July 2005.

See: “Ombudsman of Korea to Get More Power”, *The Korea Times* (February 1, 2005); Y.-G. Jung, “Ombudsman of Korea Under the PM to Change into “Ombudsman” Under the President”, *Donga* (February 1, 2005).

AMENDMENT TO THE LAW ON THE HUMAN RIGHTS OMBUDSMAN OF BOSNIA-HERZEGOVINA

It has been reported that in early March 2005, the Bosnia-Herzegovina Council of Ministers codified a Bill amending the Law on the Bosnia-Herzegovina Ombudsman, in which the three-ombudsman format is changed to a format whereby there is a single ombudsman with two deputies on a rotational basis.

See: “Sarajevo: BiH Council of Ministers Session”, *FENA* (March 8, 2005)

AMNESTY INTERNATIONAL ISSUES
PUBLIC STATEMENT ON THE ESTABLISHMENT OF THE JUSTICE OMBUDSMAN IN ANGOLA

Amnesty International recently issued a Public Statement on the establishment of the Justice Ombudsman in Angola, a human rights ombudsman, and forwarded it to the I.O.I. for the information of our members, as follows:

AMNESTY INTERNATIONAL

Public Statement

AI Index: AFR 12/002/2005 (Public)
News Service No: 053
7 March 2005

Angola: The establishment of the Justice Ombudsman should comply with international standards

Amnesty International welcomes the proposed establishment of the office of the Justice Ombudsman in Angola, where for too long human rights have been violated with impunity.

In January the parliamentary group of the ruling People’s Movement for the Liberation of Angola, apparently acting on the
instructions of the Angolan President after a Cabinet reshuffle in December 2004, nominated the outgoing Justice Minister as Justice Ombudsman.

The office of the Justice Ombudsman is described in Angola’s 1992 Constitution as an independent public body tasked with protecting people’s constitutional rights and freedoms and ensuring, by informal means, fair and lawful public administration. The Justice Ombudsman would have the powers to receive complaints from members of the public and to make recommendations to prevent and remedy injustices.

According to the Constitution, the Justice Ombudsman must be nominated by the National Assembly on the decision of two thirds of the members present. However, the National Assembly has not yet set a date for the voting process.

When the nomination was announced, civil society groups protested. They said that they had not been consulted on the nomination despite receiving promises that a working group involving civil society representatives would be set up to work closely with the parliamentary Commission on Human Rights and that the person appointed as Justice Ombudsman would be acceptable to all members of civil society. There is also concern that no law establishing the Justice Ombudsman’s office has yet been adopted.

Amnesty International is taking this opportunity to urge the National Assembly to ensure that the establishment of the Justice Ombudsman’s office complies fully with the Paris Principles relating to the status of national institutions, adopted by UN Commission on Human Rights Resolution 1992/54 (the Paris Principles).

The delay in setting up the Justice Ombudsman’s office is largely due to the civil war which resumed after elections in 1992 and ended in 2002. Human rights abuses occurred on a daily basis during the war. While the situation improved after 2002, gross human rights violations continue to occur. A Justice Ombudsman with the necessary independence and powers could raise the standard of respect and protection for human rights in Angola.

Amnesty International believes that the legislation establishing the Justice Ombudsman’s office should provide the broadest possible mandate to address human rights concerns. It should take as its frame of reference not only the Constitution and national law but also the international and regional human rights treaties to which Angola is a party as well as relevant UN principles and declarations. The mandate should encompass all rights -- civil and political rights as well as economic, social and cultural rights.

The procedures for selecting, appointing and removing the Justice Ombudsman should afford the strongest possible guarantees of competence, impartiality and independence.

According to the Paris Principles, the appointment should be carried out “... in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces of civilian society involved in the promotion and protection of human rights...”

It is vital that the Justice Ombudsman is, and
is seen to be, independent from the executive functions of government and impartial towards all sectors of society. Consultation on the founding legislation should involve civil society groups including non-governmental human rights organizations, professional bodies, religious groups and academics.

It is also crucial that the Justice Ombudsman should be given adequate human and financial resources to fulfil the mandate and deal with a potentially large caseload of human rights violations by police and other government officials, such as extrajudicial executions and forced evictions, as well as abuses by non-state actors, such as domestic violence.

/ENDS

UGANDAN GOVERNMENT CONSIDERS GUTTING UGANDA’S INSPECTOR GENERAL OF GOVERNMENT OF ITS OMBUDSMAN FUNCTION

Uganda’s Constitution (Amendment) Bill, 2005 includes a provision (clause 94) that, if passed, will remove ombudsman and good governance promotion duties from the mandate of the Inspector General of Government (IGG) of Uganda. The IGG also has anti-corruption functions. Further, the Bill contains provisions that would allow the President to fire the IGG and Deputy IGG, negatively affecting the independence of the office.


SEPARATIST NAGORNO-KARABAKH NATIONAL ASSEMBLY PASSES OMBUDSMAN LAW—AZERBAIJAN DENOUNCES MOVE

The National Assembly of the Republic of Nagorno-Karabakh passed a law to establish an human rights ombudsman in February 2005 which became effective March 9, 2005. The Nagorno-Karabakh Republic, an Armenian enclave inside the borders of Azerbaijan, has attempted to break away from Azerbaijan.

The government of Azerbaijan and Azerbaijan’s Human Rights Ombudsman, Elmira Süleymanova, denounced the actions of the Nagorno-Karabakh government given that Azerbaijan considers that Nagorno-Karabakh is part of Azerbaijan.

See: “Karabakh separatist parliament passes law on ombudsman”, BBC Monitoring Service (February 19, 2005); “Azeri ombudsman slams Armenian plans to set up similar body in Karabakh”, BBC Monitoring Service (February 11, 2005); “Karabakh leader signs law on ombudsman”, BBC Monitoring Service (March 9, 2005).

GREEK AND AUSTRIAN OMBUDSMAN OFFICES TO ASSIST IN THE ESTABLISHMENT OF AN OMBUDSMAN INSTITUTION IN TURKEY

The Offices of the Ombudsman of Greece and the Ombudsman of Austria have been selected by Turkey’s Ministry of Justice to assist in the establishment of an ombudsman institution in Turkey. The project will be
carried out over a twenty-six month period. The Greek Ombudsman will support the establishment of the ombudsman and will also contribute to the first period of its operations.

See: “Turkey’s justice ministry selects Greece and Austria to help with creation of Ombudsman”, *Athens News Agency* (January 18, 2005).

### 22ND AUSTRALASIAN AND PACIFIC REGIONAL OMBUDSMAN CONFERENCE

The 22nd Australasian and Pacific Ombudsman Conference was held in Wellington, New Zealand from February 9-11, 2005. The Conference was hosted by the Office of the New Zealand Ombudsmen and its Chief Ombudsman, John Belgrave, Ombudsman Satyanand and Smith.

The Conference was well attended by members not only from the Region but from around the world. Fifty delegates were in attendance representing countries as diverse as Indonesia, Malaysia, Iran, Japan, Pakistan, South Africa, Macau and the Seychelles.

The Conference was held in the Parliament Buildings in Wellington and was opened by the New Zealand Prime Minister, The Right Honourable Helen Clark. The theme of the Conference was the Small Ombudsman Office. The sessions were designed to provide practical discussion and consideration of the many issues that might face smaller offices. Presentations included papers on the following subjects:

* Developing Investigative Methods that Work and Writing Reports for Maximum Effect

* Ensuring Cooperation of Government Organisations with the Ombudsman Office

* The Small Ombudsman Office and Multi-jurisdictions

* The Judiciary and the Ombudsman, and

* A Report on the Institutional Strengthening Project for the South Pacific Ombudsman, supported by AusAid Australia

Should anyone like a copy of the Conference program or any papers, they should contact the NZ Ombudsmen Office at hira.downes@ombudsmen.govt.nz <mailto:hira.downes@ombudsmen.govt.nz>.

### APPOINTMENTS/RETIREMENTS/ANNIVERSARIES/AWARDS, ETC.

#### ALBANIA

Mr. Ermir Dobjani has been reelected for a second five-year term as People’s Advocate of Albania by the legislative assembly.

#### ARGENTINA

Mr. Eduardo Mondino was reelected *Defensor del Pueblo* of Argentina by the legislative branch in late December 2004.
Mr. Mondino will serve for a second five-year term of office.

BOSNIA-HERZEGOVINA—REPUBLIKA SRPSKA

In late December 2004 Ms. Nada Grahovic was elected Ombudsman of the Republika Srpska, Bosnia-Herzegovina, by the Serb Republic’s People’s Assembly. Enes Hasic and Milan Subaric were elected as Deputy Ombudsmen.

BURKINA FASO

Mr. Jean-Baptiste Kafando, Médiateur of Burkina Faso and an I.O.I. Board member, passed away on March 12, 2005 at a hospital in France at the age of seventy. Mr. Kafando was appointed ombudsman in 2000. A former magistrate and diplomat, Mr. Kafando also served in government as Vice President of the Ouagadougou Tribunal, chair of the Labour Tribunal, Vice President of the Court of Appeal of Ouagadougou, adviser to the Supreme Court and Principal Secretary to the first President of Burkina Faso.

CANADA—ONTARIO

Mr. Clare Lewis, Q.C., past President of the I.O.I. from 2002-2004, has completed his term as Ontario Ombudsman. Mr. Lewis has been appointed by the Law Society of Upper Canada as Complaints Resolution Commissioner (CRC) for a two-year term effective April 1, 2005.

Mr. André Marin, the current Ombudsman for the Department of National Defence and Canadian Forces, was appointed the new Ontario Ombudsman starting April 1, 2005.

Mr. Marin has served as Canada’s military ombudsman since the position’s inception on June 9, 1998. His Office investigates complaints, identifies systemic problems and recommends changes to ensure accountability, transparency and the integration of ethics into Canada’s military. Prior to being appointed military ombudsman, Mr. Marin was Director of the Special Investigations Unit of the Ontario Ministry of the Attorney General.

EUROPEAN UNION

On January 11, 2005, the European Parliament voted to reelect P. Nikiforos Diamandouros as European Ombudsman with 564 votes out of a total of 643 votes cast.

The European Ombudsman is elected by the European Parliament at the start of each parliamentary term. Mr. Diamandouros was elected European Ombudsman in January 2003 for the remainder of the 1999-2004 legislative term, following the retirement of the Union’s first Ombudsman, Jacob Söderman. His new mandate will run until 2009.

Shortly after his reelection, Mr. Diamandouros gave a press conference in which he outlined his priorities over the coming five years. These are to:

**Ensure that citizens’ rights under EU law are respected at every level in the Union.**

The Ombudsman will continue working to improve the quality of information to citizens and potential complainants about their rights under EU law and to ensure that
public administrations at the European, national, regional and local levels take full account of these rights in their everyday work. Given that the implementation of EU law is largely the responsibility of administrations in the Member States, the European Ombudsman will continue to develop cooperation with his counterparts at the national and regional level by, for example, examining the possibility of joint inquiries. He will also explore the feasibility of creating a single telephone number across the Union for people wishing to contact the ombudsman network.

Make certain that, in everything they do, the EU institutions and bodies conform to the highest standards of administration.

The Ombudsman will strive to ensure that the EU institutions and bodies adopt a citizen-centred approach in all their activities, by seeking every opportunity to achieve friendly solutions to complaints and by launching more inquiries on his own-initiative in order to identify problems and encourage best practice.

Guarantee that his institution serves the citizen in the most efficient and effective way possible.

The Constitution for Europe, once ratified, will make the Charter of Fundamental Rights legally binding. The Ombudsman would like to explore with the European Parliament how to make sure that citizens’ complaints about violations of Charter rights can be looked into as rapidly and effectively as possible and eventually brought before the European Court of Justice, if an important issue of principle cannot be resolved in any other way. He will also urge the European Commission to propose, as rapidly as possible, a law to promote good administration by the Union institutions and bodies.

These priorities are further developed in the Ombudsman's statement to the European Parliament's Committee on Petitions, available at: http://www.europarl.eu.int/comparl/peti/election2004/candidates/nd_statement_en.pdf

UGANDA

Former High Court Judge Faith Mwondha has been appointed Uganda’s Inspector General of Government.

UNITED KINGDOM—BRITISH AND IRISH OMBUDSMAN ASSOCIATION

Mr. Ian Pattison has been appointed Secretary to the British and Irish Ombudsman Association (BIOA), succeeding Mr. Gordon Adams. The appointment is effective May 1, 2005.

Prior to his appointment, Mr. Pattison was Operations Manager at St. Paul’s School, London. He was also the first Administration Manager at the Office of the Banking Ombudsman, subsequently absorbed into the new Financial Ombudsman Service (FOS), from 1993 to 2000.

EUROPEAN OMBUDSMAN INSTITUTE NEW BOARD OF DIRECTORS ELECTED

The European Ombudsman Institute (EOI) elected a new Board of Directors at its meeting in Innsbruck, Austria on January
The new executive of the EOI follows: President Markus Kaegi, Ombudsman of Canton of Zurich, Switzerland; 1st Vice-President Ullrich Galle, Ombudsman of Reinland Pfalz, Germany; 2nd Vice-President Jenoe Kaltenbach, Hungary’s Ombudsman for the Protection of National and Ethnic Minority Rights; Secretary Felix Duenser, Ombudsman of Vorarlberg, Austria; Treasurer Josef Hauser, Ombudsman, Austria.

Other members of the EOI Board of Directors are: Vittorio Bottoli, Ombudsman, Italy; Nina Karpachova, Ombudsman of Ukraine; Giogio Morales, Ombudsman, Italy; Adam Peat, Commissioner for Local Administration, Wales; Branka Raguz, Ombudsman of the Federation of Bosnia-Herzegovina; Rimante Salaseviciute, Ombudsman of Lithuania; Nikolaus Schwaerzler, Ombudsman (ret.), Austria; and Migiel van Kinderen, Ombudsman of Rotterdam and Vlaardingen.

Decisions were also taken to establish sections of individual members and scientific members.

Past/Upcoming Conferences/Courses


The Coalition of Federal Ombudsmen (CFO) is holding its Fourth Annual Conference on March 9, 2005 at the U.S. Transportation Security Administration Headquarters at Arlington, Virginia, U.S.A. While the Conference focuses on the issues and needs of federal government department ombudsmen, all governmental ombudsmen are invited to attend. The Conference agenda can be found at http://users.starpower.net/jganci/ and click on CFO Annual Conference under “What’s New” on the left side of the front page. For any questions, please contact Joe Ganci, Department of Labor Ombudsman, at (202) 693-5179.

April 7-8, 2005—British and Irish Ombudsman Association 2005 Conference—Coventry, Great Britain

The British and Irish Ombudsman Association (BIOA) 2005 Conference will be held at Scarman House, Warwick University, Coventry, Great Britain on April 7 to 8, 2005. For further information please contact: Mr. Gordon Adams, Secretary, British and Irish Ombudsman Association, 24 Paget Gardens, Chislehurst, Kent, BR7 5RX, tel/fax: 020-8467-7455, e-mail: bioa@btinternet.com web: http://www.bioa.org.uk

April 11-13, 2005—The Ombudsman Association (TOA) 2005 Annual Conference—Atlanta, Georgia, U.S.A.

The Ombudsman Association (TOA) 2005 Annual Conference will be held at the Omni International Hotel, CNN Center & Olympic Park, Atlanta, Georgia, U.S.A. on April 11
to 13, 2005. The theme of the Conference is “Waging Peace—Becoming a More Effective Ombuds in the 21st Century”. TOA Pre-Conference courses will be held on April 10, 2005. For further information, please contact Ms. Shawna Wilker, tel: (908) 359-1184, e-mail: swinker@profmgmt.com

APRIL 12-14, 2005—UCOA 2005 ANNUAL CONFERENCE— ATLANTA, GEORGIA, U.S.A.

The UCOA will also be holding its annual conference at the Omni International Hotel and Georgia State University, Atlanta, Georgia, U.S.A. on April 12 to 14, 2005. A pre-conference session will be held on April 11, 2005.

APRIL 11-14, 2005—FIRST GENERAL ASSEMBLY MEETING/CONFERENCE OF THE AFRICAN OMBUDSMAN ASSOCIATION (AOA)— JOHANNESBURG, SOUTH AFRICA

The first General Assembly Meeting/Conference of the newly-established African Ombudsman Association (AOA) will be held on April 11 to 14, 2005 in Johannesburg, South Africa at the Misty Hills Country Hotel. The theme of the Conference will be “The Role of the African Ombudsman: Good Governance, Democracy and Development in the 21st Century”. For further details, please contact Mr. M.L. Mushwana, Public Protector, Republic of South Africa and AOA Executive Secretary at alicel@pprotect.org

CROSS-SECTOR STUDIES ON OMBUDS MODELS

To: The Greater Ombuds Community
From: Misa Kelly
Subject: Cross sector studies

In upcoming months (years) I will be conducting a series of cross-sector studies under the guidance of ombuds scholar Stanley V. Anderson designed to foster a better understanding of the similarities and differences between ombuds models in different sectors. The sectors I will be studying include:

Academic
Corporate
Government - by category and type (e.g., legislative, executive, city, hybrid, other)
Long Term Care
Newspaper
Non-profit
Miscellaneous (those with 10 or less within the sector)

The topics that will be evaluated across sectors include:

a) functions & roles
b) structural features
c) types of complaints handled
d) the complaint procedure/ombuds process
e) ombuds professional development, professional organization participation, mentoring
f) work and educational experience of ombuds
g) how the ombuds is chosen
h) the power of the ombuds
i) the jurisdiction/community served of the ombuds
k) office resources (size, staffing, funding)
1) job descriptions
m) the complaint procedure, ombuds process
n) essential characteristics; standards of practice endorsed
o) office history

These studies will be conducted via surveys posted online. Links to surveys will be sent out via ombuds list servs as well as in email groupings targeting sectors that do not have list servs.

Any preliminary thoughts and guidance from the community would be most helpful:

1) Can you think of any other survey topics that would be good to include within the cross-sector studies series?
2) Do you have research experience and would you like to share thoughts, ideas, and resources on developing effective surveys?
3) Would you be willing to preview surveys before the survey links are distributed?
4) Are there other sectors that you think ought be included?

Thanks for your participation!

Misa Kelly
Executive Director: The Future Traditions Foundation: Ombuds Educational Resource Program
Ombudsman: LTC Ombudsman Services of Santa Barbara County

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I.O.I. PUBLICATIONS

(2003) VOLUME 7 OF THE INTERNATIONAL OMBUDSMAN YEARBOOK


I.O.I. OCCASIONAL PAPER SERIES— PAPER ON NEW SOUTH WALES OMBUDSMAN

In Spring 2005, the I.O.I. will publish an Occasional Paper by Bruce Barbour, Ombudsman of New South Wales on “The Ombudsman and the Rule of Law” which focuses on the work of the New South Wales Ombudsman.

NEWS ITEMS, ARTICLES ETC. FOR I.O.I. PUBLICATION

We encourage the submission of news items for publication in the Newsletter and the submission of articles, manuscripts and lectures for consideration of their publication either in
the Occasional Paper series or The International Ombudsman Yearbook. In particular, the Editor wishes to receive papers for consideration of their publication in (2004) Volume 8 of The International Ombudsman Yearbook and news items for the June 2005 Newsletter. We appreciate the regular receipt of information from member offices on changes in appointment, retirements, etc. for inclusion in the Newsletter.

Please note that the Editorial Advisory Board is in operation for anonymous review of papers submitted in consideration of their publication in the Yearbook.

Please submit all material to:

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