



The role of mediating disputes in complaint handling

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What is the National Ombudsman?

The National Ombudsman was established in order to give individuals an opportunity to submit complaints about the practices of government before an independent and expert body

The National Ombudsman **works alongside** existing provisions of Parliament, the courts and **internal complaints procedures**. **It does not replace them.**

Is there a special ombudsman for the Armed Forces in the Netherlands?

No, internal complaint procedures of military staff and civilians are handled by the complaint handling unit of the Ministry of Defense.

The Inspector General of the Armed Forces is involved in mediating disputes and caretaker for veterans.

What is the advantage

..of internal complaint handling by the Armed Forces:

- **Personal contact** is first step to restore good relationship
- Internal Feed back

Relationship between National ombudsman and internal complaint handling Armed Forces

Contact persons for interventions and contact during investigations

Training and workshops on complaint handling methods

Invitation of the National ombudsman to conferences of the Armed Forces on proper conduct

The challenges

A shared vision on internal complaint handling and the possibility of tailor-made solutions.

The safe guards for proper complaint handling.

The success of mediating disputes in internal complaint handling

Instruments for proper complaint handling

Phone call to complainant
In-person intake discussion
Mediation discussions
Request for information
Intervention
Investigation and report

Mediation; the facts

500 requests for mediation cases in 2010 to the
Inspector General of the Armed Forces

2 mediated cases in 2010 by the National ombudsman
in complaints concerning the Ministry of Defense

What about mediation?

Bringing the various parties around the table with the Ombudsman as mediator

Not exclusively focused on rights, legal positions and complaint handling as such

Tailor made solutions based on effective communication: *interests*

Considerations 'in the shadow of the law'
facilitating daily life situations

Appreciation of mediation

Applicants are in favor of informal complaint handling and mediation:

- Because they can participated
- Because they can speak out
- Because it leads to apologies or better understanding
- Because it leads to a better relationship between applicants and government

The success of mediation; example

Effective compensation veterans

In 2010 the ombudsman mediated between “old” veterans and the Ministry of Defense.

- Veterans involved in peace keeping missions were not looked after well
- Veterans with PTSS are vulnerable
- Lengthy court procedures did not lead to financial compensation
- Veterans felt left alone and not respected

Results

Agreement on a simple and effective financial damage procedure

Negotiations on the implementation of the agreement between military unions and the Ministry of Defense

Acknowledgement of great importance to society of their missions



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