

This edition is the second and third issue of the fifth volume (2005) of the Faroese Law Review. To publish two issues in one can become necessary when the situation is such that publishing has been delayed or otherwise disrupted. The fifth volume was marked by the delay or withdrawal of much material.

The sixth volume is, however, well under way in preparation and we expect as planned to publish three issues this fall or in the early winter.

The law review this time contains first an article by Bárður Larsen and Kári á Rógvi on the institution of the Faroese Ombudsman. The article is a revised version of contribution to the previously published festschrift to Professor Jóan Pauli Joensen.

In this critical piece, we try to demonstrate what a strange institution the Ombudsman really is in a rule-of-law-based democracy. The general consensus has been that the Ombudsman does not make binding decision and that his authority is founded on the quality of his persuasive reasoning; the reality is rather that the Ombudsman does not reason his conclusion particularly well and that his decisions are being observed as binding rather than persuasive. The article suggests that the Faroese Ombudsman is functioning as an ad hoc administrative court with extended powers and that the ill-founded respect for the institution suffocates the necessary scholarly debate as well as the wider political discourse.

An innovation has recently happened in Faroese labour marked law. Now the Permanent (Labour Marked Arbitration) Tribunal has been established by a concord between most of the various employer and employee organisations. Representatives of these parties drafted the various instruments in an extensive committee process. In future controversies concerning collective labour agreements, the Permanent Tribunal will be handling all labour disputes concerning industrial action, border issues, breaches and similar cases, which have not previously been under the jurisdiction of any specialised institution hitherto. Furthermore, the Permanent Tribunal is offering its services as arbiter of interpretation disputes that have usually gone before ad hoc tribunals. Some important aspects of the new arrangement are examined in this issue.

Finally, this issue contains an interesting survey from the inspections that the Danish Ombudsman has undertaken in the Faroe Islands by head of department and inspector of the Danish Ombudsman Lennart Frandsen.