

**Statement by John Barkat, United Nations Ombudsman**

**Report of the Secretary-General on the Activities  
of the United Nations Ombudsman and Mediation Services  
(A/66/224)**

*Mr. Chairman,  
Distinguished delegates,*

I am pleased to introduce the third integrated report of the United Nations Office of the Ombudsman and Mediation Services, covering the period 1 January to 31 December 2010.

This period marks the third year since the General Assembly's decision to provide staff in the UN Secretariat, Funds and Programmes, and UNHCR with a **strengthened, decentralized and integrated** informal system that helps them to resolve their workplace concerns early and constructively.

The past three years have been an incredible learning experience as we were privileged to watch the birth and the first phase of a new justice system. Much has been achieved, many lessons have been learned and in some areas adjustments are needed.

Before going into the salient points of the present report, I would like to invite you to take a step back and to reflect on the broader context and value of resolving workplace disputes informally.

*Introduction*

Mr. Chairman, at the heart of any dispute resolution system is the recognition that, as conflicts arise, the system should be well equipped to provide relief to those who need it.

During this session, an important theme of the General Assembly is preventative mediation. It was encouraging to hear Heads of States express the value of mediation in their statements during the General Debate.

Mr. Chairman, I am pleased to note that the role of UNOMS is to similarly implement preventative mediation efforts for staff inside the UN.

As the UN seeks to maintain peace and to prevent conflict around the world, this is reflective of what we strive for inside the Organization: **to support the many staff and managers to successfully navigate and overcome daily workplace challenges.**

In many respects, the informal system is a critical part of the Organization's effectiveness—**it is the oil that helps keep the machine running smoothly.**

With the introduction of a new justice system three years ago, the Organization has begun a journey from managing litigation towards creatively managing disputes with emphasis on **conflict prevention, intervention, and resolution**. It is an injection of informal resolution into the common discourse of how to resolve conflict here at the UN.

As it was hoped, the revamping of the system has resulted in a greater demand of informal conflict resolution services. In 2008, 787 UN Secretariat staff made a request for informal conflict resolution. In 2010, **this number had risen to 1206 recorded cases** for the Secretariat and to **1764 cases for the integrated Office**.

This is testimony to the value staff and managers see in the informal system.

Staff are also making active use of formal complaints mechanisms. While this is necessary at times, **closer analysis of root causes of contested managerial practices** may lead to better decisions which are contested less frequently.

*Impact of lack of access to informal disputes resolution services in the field*

Mr. Chairman, the single most significant development in the reporting period has been the ability of the Office **to reach staff beyond New York Headquarters in a sustained manner**. Notably, staff at all levels are willing to explore the potential benefit of informal conflict resolution. By the time someone contacts an Ombudsman, they have personally seen, heard, or read about us or have spoken to someone who has.

This level of familiarity is only possible through sustained engagement at all levels of the Organisation. The challenge we see ahead, therefore, is **to reach staff who are not in the mainstay of headquarters locations** but rather in special political missions and other field locations where there is a great need. During a recent visit to the UN's Assistance Mission in Iraq (UNAMI), 36 cases were received many of which could be resolved on the ground. Another fact is that **national staff** in such missions have little access or exposure to informal services offered by our Office other than when an Ombudsman team comes to the mission area.

However, since the **Regional Ombudsmen** do not have dedicated travel funds they face restrictions in responding and being accessible to staff deep in the field.

Formal channels on the other hand have a much wider presence in the field and experience shows that staff will opt for a mechanism that is easy to reach. Thus, many workplace concerns that could be mediated informally often end up in investigation or litigation processes that could last months and may not always address the underlying problems.

I would like now to turn to some of the salient points described in our report.

## *Ombudsman and Mediation services*

The Office continued to provide ombudsman and mediation services on a wide range of topics to staff and managers at all levels. Such services include mediation, facilitation, team interventions, conflict coaching, shuttle diplomacy and upward feedback.

As in previous years, the top three areas of staff and managerial concern continued to be related to **jobs and career, relationships within a reporting line, and compensation and benefits**. The majority of these cases originated from offices and field missions away from Headquarters.

From our experience, **a mutually satisfactory solution is found in 80 percent of the cases.**

The Office consistently calls on staff and managers alike to **bring forward their concerns as early as possible**, and before they fester and potentially result in a contested administrative decision. The sooner informal resolution is attempted the greater the likelihood for resolution and the lower the risk for litigation.

The Ombudsman intervention is complemented by a dedicated **mediation capacity** that handles a growing number of referrals from staff themselves as well as from managers and other mechanism such as the tribunals.

However, there is still more potential for mediation. We hope that the Organization will seek to place greater emphasis on mediation and encourage a referral system which recognizes **the informal system as an important step in addressing conflict.**

### *Addressing the root causes of conflict – systemic issues*

Mr. Chairman, let me now turn to another pillar of our work – **the identification of root causes of conflict and sharing them with the Organization for positive change.**

The report before you provides a snapshot of our work on systemic issues. Many of the problems that have been identified throughout the year have already been addressed through an on-going dialogue with the relevant partners and stakeholders.

Let me note that there are also issues such as **building a trusting, responsive, and inclusive Organization** which are more difficult to address as they penetrate all levels of the system and they require collective action and ownership.

Where these elements are lacking, misunderstandings arise and conflicts are likely to ensue. Organizational changes such as the downsizing of missions or the performance appraisal processes that affect all staff, are examples of areas where these issues are particularly critical.

### *Strengthening of the informal system*

Mr. Chairman, as you are aware, at the General Assembly's request the Office in its report 65/303 had proposed a number of incentives to encourage the use of the informal system. In its subsequent resolution (A/RES/65/251, para 22), the Assembly requested the Secretary-General to ensure full implementation of those recommendations and to include those that carry financial implications into his proposed programme budget for 2012-2013.

I am pleased to report that **the implementation of those incentives is well underway**. An important development, for example, is that the Secretary-General has made –informal resolution- an element of his compacts with senior managers.

The other incentives such as the implementation of a rapid response mechanism and an overall strengthened capacity of the Office **require your sustained support** and related requests are in part included in the report that is before you.

You may wish to consider these requests **against the backdrop of the significant increase in the demand for our services as well as the managerial and administrative challenge** placed on the Office by the regionalization and the creation of a new mediation services.

Positive consideration of these requests will allow our Office to fully carry out its mandate and provide incentive to all to engage in an alternative dispute resolution process as opposed to letting disputes fester or enter the formal system.

*Mr. Chairman,*

At the outset of my statement to you today, I noted the need to reflect and to look at the dispute resolution system in its entirety. While you will make important considerations during this session that will impact the internal justice system, the guiding question you may face is what kind of system and options staff and the Organization should benefit from.

I believe that mediation and informal resolution have a unique role to play in the **prevention of workplace conflicts** and in contributing to an organisational culture that places emphasis on harmonious and sustainable workplace relationships.

I thank you for your continued belief in the preventative work of this Office.

Through your vision, determination and support staff are able to find early and collaborative resolutions to challenges which can distract from the work at hand and to move forward with renewed energy to further the goals and mission of the UN around the world.

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