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**Statement to the Fifth Committee**

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Report of the Secretary-General on the Activities of the Office of the United Nations  
Ombudsman and Mediation Services

(A/76/140)

*Distinguished Coordinator and Committee Members,*

It is a pleasure to introduce the report of the Secretary-General on the Activities of the Office of the United Nations Ombudsman and Mediation Services (UNOMS) A/76/140.

The report covers the activities of the Office of the United Nations Ombudsman and Mediation Services (the Office), which serves the Secretariat, for the period from 1 January to 31 December 2020. It provides an overview of developments against the backdrop of the coronavirus (COVID-19) pandemic, with an emphasis on dispute-resolution services, outreach activities to promote greater conflict competence among staff and managers and, observations on systemic issues.

The organizational ombudsman function was first created by the General Assembly in 2002 to make available the services of an impartial and independent person to address the employment-related problems of staff members. An important lesson learned in the ensuing years is that one of the critical factors for successful and cost-effective conflict resolution is dealing with conflict as soon as possible at the lowest possible level before it escalates and diminishes the ability of individuals, teams and even entire divisions and entities to deliver on their mandates. I am very grateful to the General Assembly for having reaffirmed the importance of the “informal first” approach; most recently in its resolution 75/246 (para 15), which states, “the informal resolution of conflict is a crucial element of the system of administration of justice

and emphasized that all possible use should be made of the informal system in order to avoid litigation ...”.

In the almost twenty (20) years after its creation, the number of cases handled as well as the resolution rate demonstrates that the Office has established itself as the primary and most effective resource for addressing and resolving workplace conflict in a cost-effective manner. What makes the Office of the Ombudsman a unique and trusted source for staff and managers are its operating principles: independence, neutrality, confidentiality and informality. This is the only office in the Secretariat where UN personnel can confidentially discuss a troubling workplace problem off the record and receive timely and effective services to resolve it.

#### Workplace conflict during the pandemic and observations

The two categories of issues most commonly reported during 2020 were evaluative relationships and job and career. While these categories have been at the top for the past years, they manifested differently during the year that was marked by the pandemic. In many of the cases brought to the Ombudsman, staff and managers spoke of social isolation, fear of the unknown, separation from loved ones and, dealing with loss and grief. Exhaustion, fatigue, mental health issues and high stress were frequent concerns, mostly expressed in private, for fear of retaliation or stigmatization. In some areas of work, COVID-19 functioned as a “revealer” and magnifying glass as the stress brought out hidden tensions, dysfunctional work structures and conflict dynamics. The pandemic situation revealed that focus and investment into management skills are essential in mastering a crisis like this.

During 2020, the Office of the Ombudsman provided services in **1,880 ombudsman and mediation cases**. It is important to note that often one case may entail several issues involving multiple parties. Services in a case may include discussing individual workplace concerns; identification of options for resolution; providing conflict coaching one-on-one or to groups; shuttle diplomacy; facilitation of difficult conversations and, structured mediations.

Services were delivered despite the extraordinary challenges in 2020 that hampered operations including the provision of in-person services, which is the most optimal way of addressing sensitive and complex cases. Also, many staff, especially national staff in field

operations, do not have the same access to virtual communications tools thereby limiting their access to the Ombudsman's Office. In this regard, the redeployment of resources to Bamako, MINUSMA, made a positive impact by providing staff with direct access to a Conflict Resolution Officer.

### Strengthening mediation

You will recall that the General Assembly in its resolution 62/228 (para 26) decentralized the operations of the Ombudsman's Office. Today, the Office has regional branches in eight (8) main locations (Bangkok, Geneva, Goma including a sub-office in Bamako, Entebbe, Nairobi, New York, Santiago, Vienna). This regional presence places the Office in a unique position to deliver all its services, including mediation, at Headquarters and in the regions, by using an integrated and decentralized model of operations. This decentralized model is enabled by experienced and multilingual conflict resolution professionals who are also trained and experienced in mediation and have familiarity with and knowledge of the regions they serve, allowing staff members to receive high quality services at the regional level.

Yet, there remains untapped opportunity to utilize mediation and it has been noted that mediation remains underused within the UN Secretariat.

Mediations can include facilitated difficult conversations among colleagues and complex negotiations on legal issues at the Tribunals. We value referrals from the formal system of administration of justice and welcome more of them while noting that mediating resolution of conflicts already in litigation will always be less effective than when cases are received earlier.

Cases are frequently received by a mediator after parties are entrenched in their positions or trust is so low that they are unable to negotiate in good faith. Making early use of mediation is a step everyone in the Organization can encourage. To this end, enhancing the understanding and use of mediation across the Organization remains a priority of our Office. We will continue our outreach to staff, engagement with partners and, ensure that our regional offices are well equipped to provide the full range of informal dispute-resolution services to personnel at the local level.

As part of its ongoing efforts to help mediation achieve its promise, the Office plans to explore with relevant stakeholders in the Secretariat the possibility of promoting an initial conversation with the ombudsman and mediators prior to accessing the formal system.

#### Services for non-staff personnel

The pilot project for non-staff personnel is another area that was impacted by COVID-19. In paragraph 19 of resolution 75/248, the General Assembly encouraged the Secretary-General to continue the pilot project whereby non-staff personnel are offered access to services provided by the Office of the United Nations Ombudsman and Mediation Services within its existing resources. In 2020, the Office saw a reduction (41 per cent) in cases from non-staff personnel, which is not surprising given the extraordinary challenges noted above. It is expected that cases from non-staff personnel will return to their previous levels following the physical return to work. My Office stands ready to continue providing these services as part of its mandate should that be the decision of the General Assembly. While services are currently being provided within existing resources, it will be important to closely monitor trends in case numbers to ensure the needed resources are available.

#### Creating efficiencies and increasing impact

In many ways, COVID-19 and other external and internal changes call upon the Office to adapt continuously. To this end, the Office has been pursuing three (3) main avenues to create greater efficiencies and impact in the delivery of its mandate:

- 1) Transitioning to a hybrid model of in-person and virtual engagement based on lessons learned during the pandemic: While in-person engagement on cases remains the most effective way of addressing and resolving conflict and should be continued, the adoption of digital tools for conducting certain types of outreach such as information and awareness raising sessions and workshops has proven very effective in creating visibility and in engaging with staff and managers. The Office will explore how these approaches can be combined to create more efficiencies for the Organization.

2)\_Strengthening integration and decentralizing resources and services:\_The decentralized presence of the Office offers great opportunity to provide an integrated service close to where the staff population is located. All Regional Ombudsman are trained in the full range of dispute resolution services, including mediation. This allows the Office to deliver locally and in several languages. Further efforts are underway to build more integration and decentralize existing resources in response to the General Assembly’s urging to reinforce efforts to address the underservice of staff in the field (75/248 para 16).

3) Convening for dialogues: The role of an ombudsman and the principles it is founded upon put it in a unique position to bring together, in constructive conversations and dialogues, parties whose differing views have been the cause of conflict in the workplace. The Office has seized the opportunity to use its unique ability to convene groups of staff to address key issues in the United Nations workplace: dignity through civility, and racism. This included a total of 62 civility-related events conducted in 2020 reaching more than 1,600 personnel globally. This work mirrors internally what the UN is doing externally: nurturing and promoting dialogue between people and nations as a tool for collaboration, mutual understanding and peace.

*Distinguished Committee Members,*

Allow me to end by highlighting the importance of “conversations”.

As ombudsman and mediators, we see the value of conversations in the Organization and the difference they can make to increasing understanding, limiting escalation of conflict, and reducing the cost of litigation.

To this end, the Office has played a critical role in bringing “dignity” to the forefront of conversations, be it in promoting dignity through civility or convening dialogues about racism in the workplace as part of the work of the Secretary-General's Task Force on Addressing Racism and Promoting Dignity for All in the UN.

We will continue to help UN personnel address workplace concerns with dignity thereby fostering a harmonious workplace for all, one conversation at a time.

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