

Introduction of the Report of the Secretary-General on the activities of the Ombudsman (A/62/311)

Nora Galer, Officer-in-Charge, Office of the United Nations Ombudsman

Fifth Committee, 5 November 2007

Mr. Chairman, Distinguished Delegates,

It is an honour to introduce the report of the Secretary-General to the General Assembly on the activities of the Ombudsman [A/62/311] as requested in paragraph 22 of resolution 59/283 of 13 April 2005 entitled "Administration of justice at the United Nations".

The report covers the operation of the Office of the Ombudsman for the period from 1 September 2005 to 31 August 2006 and provides an overview of the first five years of operation. It starts with a description of the general principles and provisions of services, including a summary of the terms of reference and its guiding principles of confidentiality, impartiality and independence and then discusses the provision of services.

The establishment of the Office in 2002 provided for the first time a dedicated mechanism, available to all staff of the United Nations, wherever located, for the informal resolution of employment-related conflicts, based on the principles of confidentiality, impartiality, independence and neutrality. Within the terms of its mandate, the Office also makes recommendations for changes in policy or practice where a particular dispute or set of issues reflect a large systemic problem fostering conflict or dissatisfaction in the workplace.

The Ombudsman reports regularly to the Secretary-General on the activities of the Office and raises relevant issues with management and staff, when deemed appropriate, to facilitate conflict resolution and contribute to managerial excellence.

An early challenge that the Ombudsman faced was to create awareness about the existence of the Office and how to access it. Through constant outreach and field visits, staff worldwide were appraised of the existence of this new mechanism and of its scope of operation. The increasing number of cases submitted to the Office for resolution shows that the effort was successful, and that the Office has been truly established as a "zero-barrier" facility for all staff regardless of level or location.

At its inception, the Office established the need for regular assessments of its operations by experts in the field of alternative dispute resolution. The Office has conducted three such reviews; in December 2003, in December 2005 and most recently in May 2007. Lessons learnt over the years have been incorporated into the operations of the Office insofar as resource constraints have

allowed. The section on Monitoring of Performance and assessment of impact fully details the findings of the panel of independent experts hired in May 2007 to conduct the five year term assessment of the Office.

The objectives of the Panel were to assess the extent to which the Office had made available the services of an impartial and independent person to address the employment related problems of staff members; to analyze the strengths and shortcomings of the Office; and to recommend changes aimed at making the Office a more useful tool for resolving problems within the Organization. The Panel invited and received feedback from staff globally through an on-line survey as well as from key officials and staff representatives from duty stations all over the world.

Amongst other things, the Panel noted the need for the Office to be adequately resourced; observed the increasing complexity of the cases addressed to the office; advocated for the promotion of a better understanding of the role of the Ombudsman, and commended the cooperation of senior managers with the Ombudsman.

In spite of the constraints, as at 31 July 2007, a total of 2664 cases had been taken up by the Office since 2002 (i.e. 139 in 2002, 410 in 2003; 420 in 2004; 633 in 2005; 637 in 2006 and 425 from January to July 2007). This represents 8 per cent of the total constituency of the Office, estimated at 33,000 staff members worldwide. Almost 70 per cent of the cases have come from staff in Offices away from Headquarters and Peacekeeping missions; 47 per cent from staff in the Professional and above categories; 40 per cent from staff in the Field Service, General Service and related categories. The remaining 13 per cent include national staff in Peacekeeping missions, former staff and retirees.

It should be noted that cases received by the Office for informal resolution have become increasingly complex, often involving more than one party, and requiring extensive consultations between the parties and interaction with staff at several levels in the Organization. In order to address these complex situations, mediation services and other informal resolution tools have been utilized.

It is expected that the implementation of the recommendations of the Redesign Panel on the United Nations system of administration of justice relating to the Office of the Ombudsman will enhance the effectiveness of the Office in accomplishing resolution to conflicts, including through binding mediation agreements. The establishment of regional branches in other duty stations worldwide will improve access to the services of the Office from field staff and will enable the Office to respond swiftly to problems brought to its attention, especially where time sensitive matters are at stake. Presence in the field will also enable the Office to play a more effective role in identifying systemic problems and act as early warning to local management about festering issues.

Data show that, over the reporting period, 39 percent of the staff seeking the assistance of the Ombudsman is from offices away from headquarters; 35 per cent from field missions and 26 per cent from headquarters. This figure has evolved from an initial 60 per cent from Headquarters in 2002. The breakdown of cases by occupational category shows that the professional and higher categories constitute approximately 46 per cent of the total. The category comprising the General Service, Field Service, Trades and Craft and Security amounts similarly for 37 per cent, while the

last category which includes all the others, mainly retirees, former staff and national staff constitutes the remaining 17 per cent. The Office estimates that more than two-thirds of the cases amenable to informal resolution reach solutions agreeable to all parties. Resolution does not necessarily mean that the initially desired outcome of the staff member was attained, but it does mean that the issue has been concluded in agreed fashion.

With regards to the type of issue brought to the attention of the Ombudsman over the reporting period, the issues related to promotion and career, are the most numerous, with 25 percent of the total. The interpersonal issues amounted to 19 per cent of the total. The issues related to entitlements and conditions of service represented 13 per cent each. The other types of issues (standards of conduct, separation and termination and others) ranged from 11 to 8 per cent.

The on-going monitoring of systemic dysfunctions has been an important feature of the Office's operations and has required maintaining constant dialogue with both staff and management. Much progress has been made in implementing many of the key proposals and recommendations in the Office's previous annual reports. These include recommendations on mission readiness; enforcement of the zero-tolerance policy; a review of the various types of contractual arrangements; expanded orientation for new staff members, and enhanced leadership and managerial training. Other systemic issues and challenges include: the need for better use of the Performance Appraisal System (PAS); mobility, and career development, particularly for staff recruited through the National Competitive Examination (NCE). Special attention also needs to be paid to improving facilities and mechanisms to provide medium and long-term support to staff who have experienced trauma while in the service of the Organization. The cooperation of all the parts of the system with the Office of the Ombudsman has been and will continue to be crucial in order to prevent the escalation of conflict and to contribute to a better, fairer and more harmonious workplace.

Regarding "Outreach and Communications activities", the major source of information is the website of the office which is periodically updated and is now in all six official languages of the United Nations. The Ombudsman meets with different departments and department heads to raise awareness about the role of the Office. During its five year term, the Office has visited all Offices Away from headquarters, all the regional economic commissions, and most of the existing peacekeeping missions at least one.

Externally, the Office plays an active part in the activities of the network of Ombudsmen and Mediators of the United Nations system and Bretton Woods institutions. The network includes ombudsmen and mediators serving 21 different institutions, including of the funds and agencies. The meetings provide opportunity for professional exchanges, the sharing of best practices and the strengthening of inter-agency cooperation. This cooperation which has allowed for the harmonization of many practices is expected to prove even more beneficial in the near future as integration of the Office of the Ombudsman with that of those of the funds and the programmes gets underway.

Distinguished Delegates, the first five-year term of the Office of the Ombudsman was devoted to the establishment and consolidation of the office. Thanks to the sustained support of this Committee, this new mechanism, despite its limited resources, became fully operational, well

known and well accepted at the United Nations. The next five-year phase will be even more crucial for the success of the system of justice at large. Under the leadership of the new Ombudsman, who will be selected through an inclusive process with participation of both management and staff, the Office will need to further expand its reach to be able to respond to the increasing demands, in a timely manner, with a truly horizontal, zero-barrier approach. Independence, neutrality and confidentiality and above all the excellence of the delivery will need to be maintained. Standard operating procedures and clear reporting lines will need to be put in place. You have made a commitment to respond to the needs of staff world wide. By establishing a Mediation Division within the Ombudsman's Office, you will increase the capacity for upstream conflict resolution, allowing for better conditions of service and an enhanced workplace environment. Your guidance in strengthening the existing mechanism, with sufficient resources to allow it to perform in the best interest of all will be the key factor in the success of the system.

Thank you.