

Conflict Resolution in the United Nations: Case Study of the Ombudsman

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Abstract

Managing conflicts in the United Nations is time-consuming but a necessary task. It usually ranges from minute disagreements to major cases that may even lead to litigation or violence. Conflicts have an adverse effect on health of the staff, productivity, morale and staff performance. This study is a cross sectional study designed to examine and portray conflict management systems, its awareness and its effectiveness in the United Nations. Data collection was done using a structured questionnaire distributed to UN workers in the Hq (New York), selected Offices away from Hq and selected department of peace keeping operations (DPKO). Data analysis was done using SPSS20.0 The result showed that by location the Ombudsman had 35% of the cases from the UN Headquarters in New York, 38% of cases from offices away from the UN headquarters in New York and 27% of cases from field missions (DPKO). It further showed that cases by staff category were: P and above: 38%, UNV& Consultants: 23%, Former Staff: 2%, National Staff: 2%. Furthermore, breakdown of cases was as follows: promotion/entitlements/conversion (29%), Separation/termination (19%), Entitlements (15%), Standard of Conducts (12%). Multi-issues (10%), Inter-personal issues (8%), Conditions of service (5%), Referrals (2%). Recommendation requires that training and awareness programmes should be conducted periodically to create awareness on the existence of the structure of conflict resolution structure via the office of the Ombudsman.

Keywords: Peace-keeping, UN General Assembly, ombudsman, conflict resolution, staff members, United Nations, Staff members.

Introduction

Conflict is “any opposition or difference of wishes, needs, statements, arguments, actions or principles between two or more staff members, or between staff members and the Organization.” (ST/IC/2004/4 – Conflict resolution in the United Nations Secretariat). The concept of conflict resolution and peace ranks among the most controversial issues of 21st century. Even though it has a positive connotation, various groups differ sharply about what conflict resolution and peace really means; how best to achieve this and even whether a totally serene work place is truly possible.



Figure 1. Process flow diagram of meeting a UN ombudsman (Source: UNOMS)

The UN Ombudsman facilitates conflict resolution by providing advisory services on resources available, informal mediation, informal fact finding, referral, etc. He further acts as the agent for change (systemic issues) by making recommendations for change on policies and procedures in the UN. The Ombudsman should be accessible to all the staff members who work for the United Nations irrespective of their grades, locations, category (international and national). As a working principle, he *provides safe environment without fear of retaliation*. The Ombudsman have regional offices in Beirut, Bangkok, Entebbe, Geneva, Goma, Nairobi and Vienna (<http://www.un.org/en/ombudsman/issues.shtml>, 2018). Their key role is to assist UN staff to address their workplace issues and grievances in a completely confidential and informal means as in conflict coaching, shuttle diplomacy, review of options and mediation. The ombudsman operates independently from all UN organs, her officials and her office has direct access to the Secretary-General as well as the Executive Heads of UNDP, UNFPA, UNICEF, UNOPS, UN Women and UNHCR. This positioning enables her to safely and confidentially address staff concerns ; to identify systemic issues within organization and to work with other UN entities in addressing them. (<http://www.un.org/en/ombudsman/index.shtml>,2018). They conduct objective review of relevant issues, ensuring equal & confidential treatment for all parties, engages in fact findings and inquiries on the subject matter while bringing the concerns to appropriate office and this occurs if the complainant (*staff member*) *agrees to this arrangement*. He does not disclose a complainant's identity nor keep records or make decisions and policies nor mandate actions as well as serve as an advocate or testify on an issue. Litigation is usually now readily available for UN workers who feel that they are working in a hostile work environment through the office of the staff legal assistant (OSLA). These hostile environments maybe because of abusive behavior by other UN employees, supervisors, or the host communities. These abuses can be a demeaning attitude, ridicule, off-color jokes, sexual harassment or physical violence. Advanced climes have significantly decreased their level of tolerance for disruptive behavior as the sole aim of conflict resolution is to increase productivity within an organization. What needs to be done in ensuring that this probable occurrence is mitigated is to seek knowledge on conflict resolution generally (<http://www.conflictrecovery.org/methodscr.htm>,2018).

Literature review

The office of the Ombudsman conducts neutral or impartial dispute resolution practitioner whose major function is to provide independent, impartial, confidential and informal assistance to managers and employees, clients and/or other stakeholders of a corporation, university, non-governmental organization, governmental agency or other entity. As an independent and neutral employee, the organizational ombudsman ideally should have no other role or duties. This is to maintain independence and neutrality, and to prevent real or perceived conflicts of interest. (Wikipedia,2018). He uses an alternative dispute resolution (ADR) sensibility and provides options for staff with concerns, including whistleblowers, who seek to bring their concerns forward safely and effectively. Furthermore, the ombudsman organizes coaching on organizational ethics and relevant management and managerial issues, provides mediation to facilitate conflict resolution, helps enable safe upward feedback, assists those who feel harassed and discriminated against. (<http://ombudsman.cornell.edu/>,2009). He assists employees and managers navigate bureaucracy and deal with concerns and complaints. Their cardinal roles have evolved from at least two sources viz:

a) The Classical ombudsman was copied from early Swedish 19th century independent high-level public official model, responsible to the parliament or legislature and appointed by constitutional or legislative provisions to monitor the administrative activities of government. This model has been copied and also adapted in many ways in many countries and milieus. (<http://www.jo.se/Page.aspx?Language=en.>, 2018).

b) The Spontaneous Creation Model: the organizational ombudsman role has also been regularly "re-invented" by employers who did not know of the classical ombudsman but valued the importance of a senior manager who is a neutral, independent, confidential and informal problem-solver and systems change agent. It first appeared in the US in the 1920s and probably appeared here and there in many cultures(<http://www.conflictrecovery.org/methodscr.htm>,2018) The organizational ombudsman is seen as part of a complaint system or link to a complaint system whose office is intended to function or appear

to function, independently from all regular line and staff management and so reports to the CEO or Board of Directors.

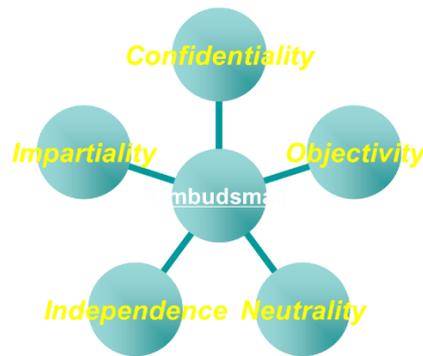


Figure 2. Operational principles of the ombudsman (Source: UNOMS)

This concept is now widely adopted and spread around the globe, with many corporations, universities, government and non-government entities establishing organizational ombudsman programs.

Ombudsman are mediation experts

The Mediation Service was established by the UN General Assembly as part of the United Nations Ombudsman and Mediation Services (UNOMS) to uphold the United Nations internal justice system and to assist the staff of the United Nations Secretariat, Funds and Programmers, UNHCR and related personnel in the informal resolution of work related disputes (<http://www.un.org/en/ombudsman/meddivision.shtml>, 2018). The mediation service, which is forms part of the integrated Office of the Ombudsman tackles mediation cases which have been requested by the parties to the dispute or which have been referred by management evaluation units, the United Nations Dispute Tribunal (UNDT), the United Nations Appeals Tribunal (UNAT), or other offices such as the Office of Staff Legal Assistance (OSLA). (<http://www.un.org/en/ombudsman/meddivision.shtml>, 2018). Mediation is a usually voluntary process which only takes place with the consent of all of the parties involved. It is also an informal process in which a trained neutral person, known as a mediator, assists the parties to work toward a resolution of a dispute with the parties themselves remaining in control of the final decision. Furthermore, it is a process in which any statement made, or document prepared during the mediation proceedings or in a private discussion with the mediator(s) remains privileged and confidential.

While on their duty the UN mediator(s), UNOMS staff and the participants cannot be required to testify in the UN formal justice system about what occurred during the mediation process. It is usually without prejudice which means that if the matter is not resolved during the mediation process, the parties can still go forward with formal proceedings so long as they meet the applicable timelines. All discourse, positions put forward and documents produced for mediation cannot be used against a party in Tribunal proceedings (ST/SGB/2016/7, June 22, 2016)

Resourcefulness of mediation

In mediation, it is an opportunity for the aggrieved parties to work together with the assistance of a neutral third-party to develop their own resolution of the disputes. The parties aggrieved remain responsible for designing their own workable solutions. The UN mediator(s) does not make a decision for the aggrieved parties but seeks to assist the parties in reaching a mutually agreeable resolution of the dispute when possible. It is very saving resourceful thereby minimizing the amount of venom in a workplace. Mediation has the advantage of resolving disputes more effectively and conveniently than through litigation (UNDP Report, 2006) As it is not a legal procedure it, therefore does not generally

require the presence of legal counsel to officiate. However, any party may bring a representative, a colleague or an attorney if, after a discussion with the Mediation Service, any of the party believes it would be helpful to do so. (<http://www.un.org/en/ombudsman/meddivision.shtml>, 2018).



Figure.3. Photo depicting cost of conflict (Source: Expatica.com)

Methodology

Aim of Study.

1. To investigate the awareness and effectiveness of the UN Ombudsman
2. Research Questions
3. What issues take staff members to the ombudsman in the UN?
4. Which job category visits the Ombudsman most often?
5. Which location uses the service of the Ombudsman most?

Methodology

This is a primary analytic research that seeks to unravel the effective conflict resolution mechanism that should be adopted or promoted in the United Nations systems.

Study design

This is an analytic cross-sectional study conflict management in the UN using the office of the ombudsman as a focal study.

Study population

The study population consist of former and present personnel of the United Nations globally.

Inclusion criteria

United Nations personnel of all category including retirees within selected location viz UN Hq,

Exclusion criteria

Anyone who is not a present of former personnel of the UN from the selected location was excluded in this study.

Sample size determination

The sample size for the study was calculated using Lwanga and Lemeshow (1991)⁹⁸ formula for sample size determinant in health study.

$$n = \frac{Z^2 pq}{d^2}$$

When; n = sample size

Z = the standard normal deviation which corresponds to the 95% confidence level (1.96)

P = Estimate of key proportion (50.% or 0.50) for true proportion (Sullivan, n.d)

$Q = 1 - p$ ($1 - 0.50 = 0.50$)
D = degree of accuracy desired 5% = 0.05

$$\text{Consider, } n = \frac{1.96^2 \times 0.50 \times 0.50}{0.05^2} = 384$$

To adjust for non-response and possibly losses of questionnaires, sample size was adjusted by 5% using the formula⁹⁹

$$N_f = \frac{n}{100 - nr}$$

Where n. f = final minimum sample size

n. r = non-response

n = the desired size when population is greater than 10,000

If non-response is 5%

$$100\% - 5\% = 95\% = 0.95$$

$$\therefore \frac{384}{0.95} = 404$$

$$= 404$$

Sampling techniques:

A multistage sampling technique was used to obtain participants.

Stage one: Out of the different UN system globally only present or former personnel of the United Nations was used by simple random sampling method through balloting system.

Fifty-one respondents were used in each selected field office of because each field office, with different locations, have the same population density.

Stage two: From New York Headquarters, Offices away from Hq. (UN office Nairobi and Entebbe) and Field offices, 3 units (MONUSCO, UNMISS and UNSOS/UNSOM) was be used.

Stage three: From the UN Hq, Offices Away from Hq. and each of the field offices 68 staff was selected, making it staff 408. For a starting point, a field office was selected by balloting with eligible participants and more UN personnel was selected by balloting with an eligible respondent to participate in the study.

Data collection instruments

Instrument for data collection was questionnaire and phone calls. The questionnaire was developed in English and inculcated the objectives of research.

The content of the questionnaire was designed to include the following headings; section A Job Category of respondents while section B, C comprises of the Location and issues that took the staff/former to the ombudsman. The questionnaire was developed based on the literature review and previous studies on the UN Ombudsman. The part of the questionnaire that was adapted include cases based on location/duty station, location of respondents. and modified according to hypothesis and objectives of the study.

Five (5) research assistants who had previous research experience was recruited and trained for two days on the objectives of the study and data collection skills were the research for the data collection and phone calls. The interview was conducted individually on selected days. The data collection was carried out over a month.

Pretest

To assure data quality, the interviewer administered semi-structured questionnaire was developed and pre-tested (5% of the total sample) among UNMISS staff. This UNMISS shares similar characteristics with the other study area. Before the pre-test, two days training was given to data

collectors and supervisors to make sure that all involved in data collection understand and are acquainted with the instrument.

Data collection

Interviewer administered semi-structured questionnaire and phone interviews was used to collect data. The interview schedule consisted of open-ended questions that allowed respondents to answer from a variety of dimensions.

Data analysis

The data was handled confidentially and entered in Epi-Info 7.0.9 windows 2007 version for analysis frequency tables, graphs and transferred to SPSS 20.1 version statistical software package for proportion will be used to present the data.

Data was collected based against selected questions adapted and modified according to hypothesis and objectives of the study.

Ethical consideration

Ethical approval was from the UNMISS before commencing the study.

The purposes of the objectives and potential risks or benefits inherent of the study was explained and informed consent was obtained from all participants confidentially and privacy was maintained throughout the study process by excluding identification in the questionnaires.

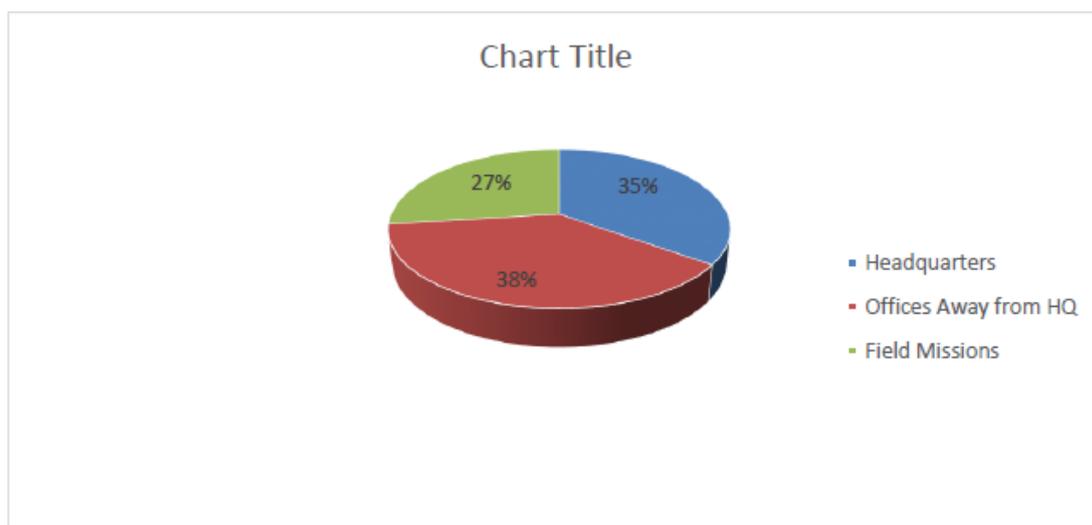
Limitations

Respondents were personnels of United Nations Missions from selected UN Missions and UN HQ New York, and the results of the study will not be generalized to other UN systems entities. Hence, future studies may want to explore and identify factors that affect quality of Ombudsman services in other UN entities.

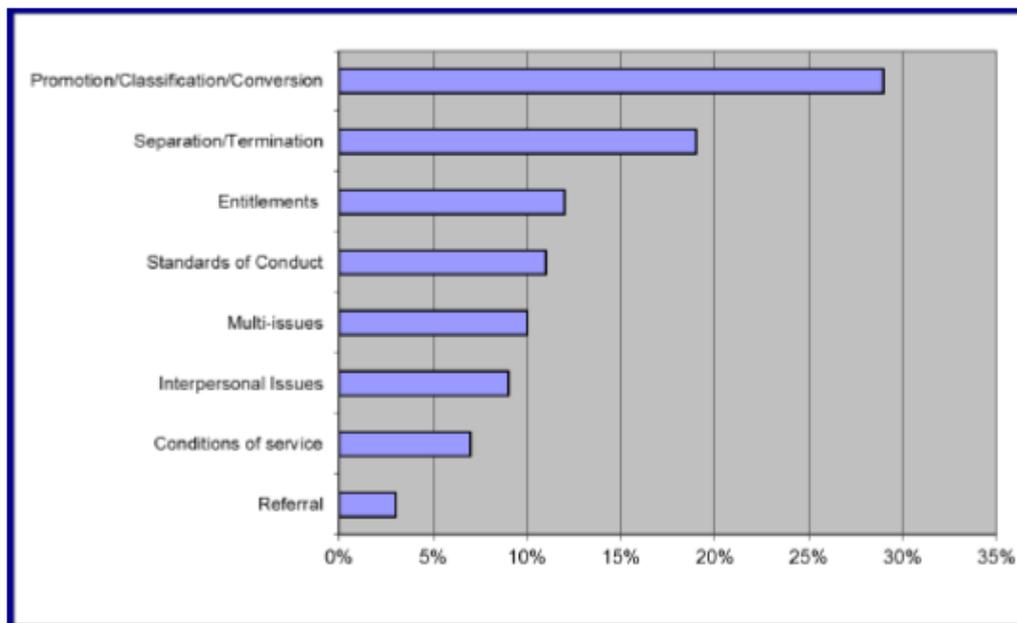
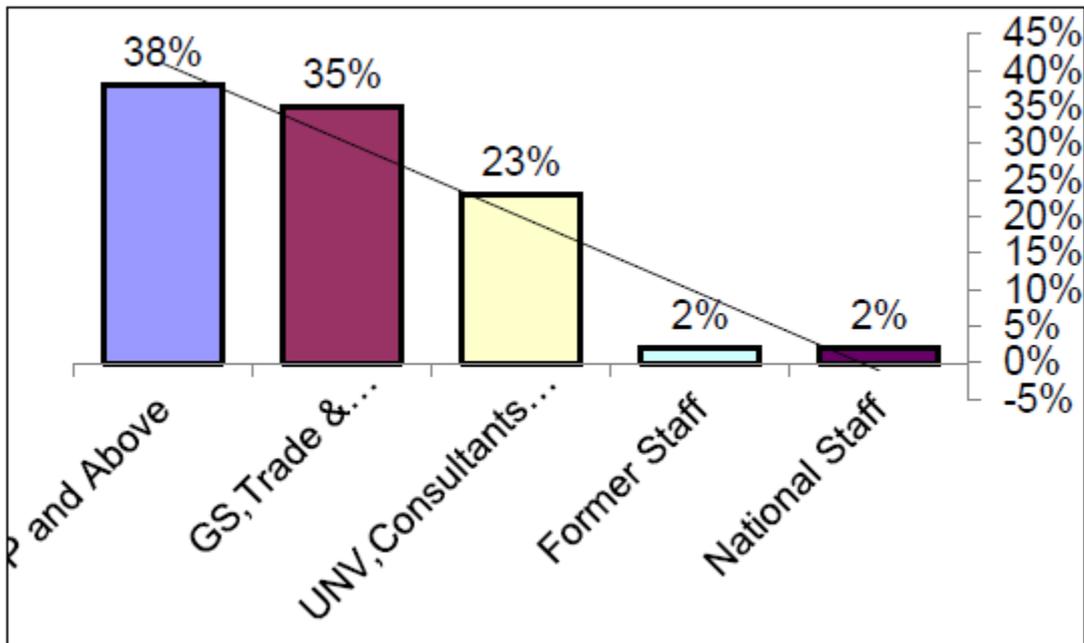
Owing to the constraints of time and cost, it was impossible to use a larger sample size, though it would have been more appropriate because it provides reliable results.

Results

Distribution of cases by Location in 2018 (Figure 4).



Breakdown of Cases By Staff Category (Figure 5)



Breakdown of Cases (2018) Figure 6.

Discussion and conclusion

The result showed that by location the Ombudsman had 35% of the cases from the UN Headquarters in New York, 38% of cases from offices away from the UN headquarters in New York and 27% of cases from field missions (DPKO). The reason for the UN Hq recording more patronage to the ombudsman is because they probably had more awareness on the services of the Ombudsman. It could also be because they had easier access to the Ombudsman, who would need to arrange a visit before their services are accessed in the field offices and so had to press at all times to be given their entitlements. This view is supported by Law Reform Commission Act 1975, pp2. which says that “Access to justice, in its widest sense of the effective resolution of disputes whether through court-based litigation or alternative dispute resolution processes, is an essential aspect of ensuring the realization of the fundamental rights”. On the other hand, the field offices recorded significantly lower patronage to the ombudsman because, they have more tedious access to the operations of the ombudsman. This agrees with The Law Reform Commission Act 1975, pp1. which says “justice delayed is justice denied”. It further showed that cases

by staff category were: P and above: 38%, UNV& Consultants: 23%, Former Staff:2%, National Staff: 2%. Furthermore, breakdown of cases was as follows: promotion/entitlements/conversion (29%), Separation/termination (19%), Entitlements (15%), Standard of Conducts (12%). Multi-issues (10%), Inter-personal issues (8%), Conditions of service (5%), and Referrals (2%).

The P and above category staff also recorded more patronage due to more systemic awareness their rights and privileges and so the need for the services of the ombudsman. The UNV and Consultants interestingly recorded second highest patronage which could not be explained to be as a result of the awareness of the systemic rights and privileges due to the brevity of their services which would not be enough to allow them get acquainted with all the UN system rules and regulations. Former staff and national staff ranked least due largely to apathy to the services of the ombudsman caused by delays in the mediation process.

It is recommended that more awareness should be created on the office of the UN ombudsman it has shown to be an effective and resourceful way of managing conflicts among staff members.

References

- [1]. "About the I.O.I." *International Ombudsman Institute* (2009). Retrieved from: <http://ombudsman.cornell.edu/>
- [2]. "About the I.O.I." *International Ombudsman Institute* (2014). Retrieved from: <http://www.resologics.com/impact-studies/2014/10/29/impact-study-manufacturing>.
- [3]. "About the I.O.I." *International Ombudsman Institute* (2013). Retrieved from: <http://www.miami.edu/sa/index.php/ombudsperson/>
- [4]. "About the I.O.I." *International Ombudsman Institute*.(2015).Retrieved from: <http://www.resologics.com/impact-studies/2015/9/1/impact-study-home-services-organization>.
- [5]. "About the I.O.I." *International Ombudsman Institute* (2010).
- [6]. Civil Wars. The Implementation of Peace Agreements. Boulder, Col., pp. 183-214. in Central America, New York. in Central America. Caught in the Crossfire (unodc.org/pdf/Central%20America%20.Study.pdf; accessed on 25.5.2007).
- [7]. Expatica.com.Figure 3
- [8]. International Ombudsman Institute, 'History and Development of Public Sector
- [9]. Ombudsman Office'. Retrieved from: <http://www.law.ualberta.ca/centres/ioi/eng/history.html>.
- [10]. Latin American Studies, Vol. 28, pp. 461-503.
- [11]. Law Reform Commission Act 1975. Retrieved from: http://www.lawreform.ie/_fileupload/reports/r98adr.pdf
- [12]. Methodologies for the study of conflict and recovery (2018). Retrieved from: <http://www.conflictrecovery.org/methodscr.htm>
- [13]. Oxford: Princeton University Press.
- [14]. Parliamentary Ombudsman of Sweden,
- [15]. Retrieved from: <http://www.jo.se/Page.aspx?Language=en>.
- [16]. Radian, S. (2018). The Institution of the Ombudsman. Retrieved from: https://www.researchgate.net/publication/291523846_The_Ombudsman_Institution_a_View_from_the_Rule_of_Law.
- [17]. Secretary-General's bulletin. Terms of reference for the Office of the United Nations Ombudsman and Mediation Services: ST/SGB/2016/7. (June 22,2016)
- [18]. Stedman, S. J., Rothchild, D, & Cousens, E. M. (2002). Ending.
- [19]. The UNOMS (2018). Retrieved from: <http://www.un.org/en/ombudsman/help.shtml>.
- [20]. UN Ombudsman (2018). Retrieved from: <http://www.un.org/en/ombudsman/reports.shtml>
- [21]. UNDP (United Nations Development Program) 2006: Human Development Report 2006. New York.
- [22]. UNODC (United Nations Organization on Drugs and Crime) 2007: Crime and Development.
- [23]. Vilas, Carlos 1995: Between Earthquakes and Volcanoes: Market, State, and the Revolutions
- [24]. Vilas, Carlos 1996: Prospects in a Post-Revolutionary Setting: Central America, in: Journal of
- [25]. Walter, Barbara 2002: Committing to Peace. The Successful Settlement of Civil Wars. Princeton.
- [26]. Woodward, Susan L: Economic Priorities for Successful Peace Implementation. (2002).
- [27]. Financial Ombudsman Service Limited (2018). Retrieved from: http://www.financial-ombudsman.org.uk/faq/answers/complaints_a9.html 1/