



## YOUR RIGHTS AND INTERESTS

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## Don't shoot the messenger! A conversation with the Ombudsperson

*In a recent conversation with the UNDP Bulletin, Ombudsperson James Lee spoke of the extension of ombuds services to include UNICEF. He also talked about what sometimes happens when staff members report abusive behaviour to the Ombudsperson.*



BULLETIN: What has been happening at the Office of the Ombudsperson since we last spoke on [5 November 2004](#)?

JL: A lot! You will be able to read all about it in the upcoming report, which will be posted on our web site and available to all staff in the next couple of months. Probably the most important is that the ombuds services currently offered to UNDP, UNFPA, UNOPS and the associated funds, UNCDF, UNIFEM and UNV, will be extended to UNICEF. In this way, the Joint Office of the Ombudsperson will serve all the field-based organizations with headquarters in New York in a

consolidated, cooperative manner.

BULLETIN: How did that happen?

JL: Well, UNICEF used to have a voluntary system, much like the former Ombudsman Panel of UNDP, UNFPA and UNOPS. The UNICEF system operated mainly in the field, with volunteers appointed for a fixed term of one or two years. It became clear that the ombuds concept cannot function effectively with volunteers, however dedicated they might be to the ombuds ideals.

BULLETIN: What made it clear?

JL: Many of the same factors pointed out by the independent review of the internal justice system in 2001. More precisely, it is not possible for a volunteer ombudsperson to adhere to the principles of independence, objectivity, confidentiality and accessibility enshrined in the code of conduct of the International Ombudsman Association and incorporated into the terms of reference of most of the ombudspersons and mediators of the United Nations system and Bretton Woods institutions.

For example, it would not be feasible to grant access to sensitive, confidential information of a personal nature to volunteers who are a part of the work force and who will relinquish their ombuds duties after a year or so. Then there is the question of independence: a staff member who is part of the corporate structure is not able to function in a truly independent manner – there is always the possibility that pressure might be brought to bear to influence the process of alternative dispute resolution (ADR), in which ombudspersons are

often involved throughout the system. The possibility of such pressure, is also, of course, an impediment to upholding the principle of objectivity. As far as accessibility in a field-based organization is concerned, it is impossible to be accessible without an independent travel budget. Unless the ombudsperson has financial independence, s/he will always have to find the funds from somewhere and will always have to await approval for the funds and the itinerary.

BULLETIN: So how were the volunteer systems able to function?

JL: That's a good question! And the answer is as best they could. Some organizations – IMF, WHO and the World Bank, for example – realized the restrictions of a volunteer ombuds system; they professionalized and institutionalized the post of ombudsperson from the outset. In other organizations such as UNDP, UNFPA and UNOPS, a panel of dedicated staff members, appointed on the basis of an established reputation for integrity and the concern to see justice done, carried on their ombuds work alongside their professional duties. It was logistically easier to deal with cases at headquarters; if the members of the Ombudsman Panel were on mission, they were able to attend directly to cases in the COs, time permitting. Otherwise, everything had to be done by telephone (often prohibitively expensive), by mail (the snail variety) or through personal contacts (to the detriment of confidentiality). It could be very much hit or miss and certainly did little to enhance the efficacy of the ombuds function. It is remarkable that so much was done in the face of such obstacles. In UNICEF, there were very few cases reported to the local ombudsmen panels yet there was a clear need for the informal ombuds process.

It is also important to remember that when the Office of the Ombudsperson was established in UNDP/UNFPA/UNOPS in 2002, there was a very sharp increase in the number of staff reporting grievances – the organizations obviously answered a very real need in creating the Office. You can consult [the reports of the Ombudsperson](#) for details. The credibility of the ombuds process increased once staff understood that the Office of the Ombudsperson is indeed independent, objective, accessible and confidential.

BULLETIN: When will you offer services to UNICEF?

JL: As soon as an associate ombudsperson is appointed. The recruitment process is currently under way.

BULLETIN: How will you cope with the increased workload?

JL: Apart from the associate ombudsperson, we will have another two consultant ombudspersons, who will deal with cases in the same way that Linda Schieber and Sheila Smith have done for the past three years. The Office could not have operated without their highly dedicated contributions – they both have advanced professional qualifications from the International Ombudsman Association (IOA), as has Selome Yifru, our Information Officer. Nancy Araya, who joined us more recently as Administrative Assistant, will also receive IOA training very soon. As new staff join the Office, they will undergo IOA training but, of course, some of the prospective consultant ombudspersons may already have IOA training.

BULLETIN: Will you have any new priorities?

JL: No. Our number one priority is to continue to offer all staff a confidential and objective means to voice their concerns in a non-threatening, easily accessible environment.

BULLETIN: And how do you guarantee that, particularly in the Country Offices?

JL: I'm glad you asked that question and that you mentioned the Country Offices. It is much easier for staff at headquarters to come to the Office unnoticed, confidentially, in Uganda House. We have to acknowledge, however, that with the current security arrangements in the host country, it is no longer possible for a visitor to go anywhere in a commercial building such as Uganda House, the Daily News and the Chrysler buildings without being announced by the security personnel.



When the Ombudsperson visits a country office, it is usually in response to one or several requests from staff – staff from any level, including managers and representatives. Special precautions are taken to respect the confidentiality of those who originally contacted the Ombudsperson and of those who consult him/her during the visit.

BULLETIN: What kind of special precautions are you referring to?

JL: Basically, it's a question of making the process as non-threatening as possible. Many staff members do not wish to be seen with an ombudsperson or let it be known that they are consulting one. It has been said that the Ombudsperson is the loneliest person in an organization – we don't take it personally in the OO! We make sure that the temporary quarters in the country office cannot be under surveillance from other staff members; we also offer the possibility, for those wishing to consult us, of meeting away from the country office, at a hotel or other remote location.

BULLETIN: Are staff members really so afraid of being seen with you?

JL: In many cases, yes. The fear of retaliation is very strong. It's an issue that is always uppermost in the minds of ombudspersons everywhere, as we pointed out in a recent [Ombudsletter](#). Nevertheless, we should all remember how powerful is the desire to establish and maintain a harmonious, productive work place in which all staff can do their jobs and live up to the ideals of the United Nations, as embodied in [the code of conduct for international civil servants](#). It's a desire that motivates those who have suffered from, say, the abuse of power to address their concerns to the Ombudsperson. A great deal of the motivation to do so, it cannot be said too strongly, lies in the guarantee of confidentiality. The Ombudsperson must do everything necessary to uphold that guarantee. For example, when the Ombudsperson reports back to the country office as a whole – as is very often the general request – great care must be taken not to say anything that might be traced back to an individual.

BULLETIN: How can you be sure that individuals will not be targeted once you have left the country office?

JL: Unfortunately, we can never be totally certain that there will be no attempts at retaliation. However, the UNDP/UNFPA/UNOPS Executive Heads have made strong statements condemning such inappropriate behaviour. [The report of the Ombudsperson for 2004](#) also contains a recommendation on this issue.

Thanks in part to these measures, we do not, in fact, have a great incidence of reported retaliation. Nevertheless, we strive to provide a safe place where staff members can report such behaviour.

But let me tell you a little more of the precautions the Ombudsperson takes to ensure confidentiality and yet remain effective. When several staff members describe a situation in graphic terms, the Ombudsperson may use some of the same language to convey the seriousness of the situation but will not use turns of phrase or language that may be readily attributable to an individual. Nevertheless, on several occasions the Ombudsperson has had to rebuff claims by a supervisor or head of office that they knew exactly who had said what. On each of these occasions, the Ombudsperson has asserted firmly that nothing reported could be attributed to a single individual and that what was reported was the synthesis of a number of comments. The manager may also assert that the Ombudsperson has been hoodwinked by a group of staff members, or that the Ombudsperson has ulterior, sinister motives for reporting what has been reported.

I would really like to underline a basic principle here. Whatever the reasons for attempting to discredit not only the Ombudsperson himself or herself, but also the staff members who have consulted the Ombudsperson and even the informal process itself, they are entirely inappropriate in organizations that support human rights and are striving to establish and maintain a harmonious workplace characterized by productivity, participation, integrity and dignity. While such attempts to discredit the information provided confidentially to the Ombudsperson may stem from surprise or incredulity on the part of the manager that his or her style has produced a situation of conflict, it should be noted that the Ombudsperson takes very great

care in this kind of situation not to misinterpret any information that has been provided in confidence.

BULLETIN: What do you mean by "misinterpret"?

JL: Well, you see, one of the jobs of the Ombudsperson is to open up the possibilities of a dialogue that may result in the informal resolution of a conflict. To do so, the Ombudsperson must synthesize what staff have reported confidentially; it is essential to provide an accurate picture of the situation (what one CO called a "*récit fidèle*") so that a genuine attempt to move forward can be undertaken and ensure that we have an environment where, in the words of Kemal Dervis on his first day as Administrator, "Management, at all levels including the highest, must listen, lead, coordinate and inspire, never impose or act in arbitrary fashion." It would indeed be counterproductive on the part of the Ombudsperson to skew what staff have said confidentially. Regrettably, what the Ombudsperson has to report may be very unpalatable for a manager; in such situations managers sometimes attempt to divert attention away from their own managerial shortcomings by questioning what the Ombudsperson has reported.

BULLETIN: In other words, they try to shoot the messenger!

JL: Exactly.

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