

# Addressing conflict in the global agenda

30 years of experience  
in the Ombudsman Office  
of the province of Santa Fe



**Defensoría del Pueblo**  
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## Welcome and a Word of Thanks

*Gabriel Savino*, Ombudsman of the province of Santa Fe

On behalf of the Ombudsman Office of the province of Santa Fe, the Ombudsman Office for Children and Adolescents, of my colleague Jorge Henn, on my own behalf, and in representation of the subnational Ombudsman Offices of Argentina before the Ibero-American Federation of Ombudsmen (FIO); as Regional Director of the Caribbean and Latin America of the International Ombudsman Institute (IOI) and as member of the Argentine Ombuds Association (ADPRA), we would like to welcome you to this *International Mediation Congress on the Approach to Conflict in the Global Agenda*.

We would also like to give our special thanks for their kind welcome to the IOI President, **Cris Field**, Ombudsman of Australia, and to the IOI Secretary General, **Werner Amon**, Ombudsman of Austria, who, as of today, is the new Minister for European and International Affairs, Education and Human Resources of the State of Styria, Austria. And through them, give our warm welcome to the Ombudsmen and public advocate officials of the world, in Europe, Asia, Australasia and Pacific, North America, Africa and to my peers from the Caribbean and Latin America;

To the president of the Iberoamerican Ombudsman Federation (FIO), Pablo Ulloa, and Ombudsman of the Dominican Republic;

To the president of the Latin American Institute for the Ombudsman (ILO), Cristina Ayub Riche, Rio de Janeiro Federal University *Ouvidora* (Brazil)

To the president of the Global Alliance of Local Ombudsman (AGOL), Ismael Rins, Ombudsman of Rio IV;

To the president of ADPRA, Lionel Suarez, Ombudsman of Santiago del Estero, and through him to the colleagues of the Ombuds Association of Argentina;

To those responsible for the Ombudsman Office of Argentina, Secretary General Juan Jose Bockel, who have shouldered the work of an institution that does not have an appointed National Ombudsman.

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We could not be here unless we understood that our predecessors have built an institutional background for us: Norberto Nicotra, Maria Angelica Gastaldi, Carlos Bermudez —my mentor in the defense of human rights and without whom I would not be holding this position— Edgardo Bistoletti, Raul Lamberto, Analia Colombo, Deputy Ombudsmen, and de facto Ombudsmen.

We would also like to thank the authorities who are present here today: the president of the Rosario Board of Trade, Miguel Simioni, who is welcoming us to this, his institution, its Board and technical experts; Municipal Secretary of Government Gustavo Zignago on behalf of Municipal Mayor Pablo Javkin; the vice governor, Alejandra Rodenas; the governor of our province, Omar Perotti and members of the Judiciary

and the Supreme Court; national and provincial legislators who have declared this congress of interest in several occasions; ministers and provincial officers; members of the different consulates; municipal mayors and commune presidents, council members; rectors of public and private universities; NGO's and professional associations; national and international colleagues and speakers; all members of the staff of the Ombudsman Office in its 30 years of existence and those of the Ombudsman Office for Children and Adolescents; the mediators and directors of the Centre for Mediation; Liliana Bellone and, especially, to one of the first ever who trained mediators in our province and in the country, Victor Jaef. I also want to mention the team of assistants and technical experts who have and will keep working. Without their efforts, this congress could not be a reality. To all those present here and all those online, we welcome you to the city of Rosario, to the province of Santa Fe and to Argentina.

As I mentioned before, today is a very special day for us all. We will continue making the utmost efforts and giving visibility to a work that started 30 years ago in our province and our country.

More than three decades have gone by since the Ombudsman Office was created in Santa Fe to protect everyone's rights and to monitor any potential arbitrary action carried out by the State. This was before the National Ombudsman was appointed.

Today, we are about to celebrate our 30th anniversary, 30 years since we gave birth to Non- Adversarial Systems for Conflict Resolution in our Centre for Community Mediation, one of the first in the province and the country. Furthermore, our Attention Services for Citizens, our Centre for the Assistance of Crime Victims and Witnesses, our territorial decentralization policy with over 40 attention offices in the province and

three mobile offices that show up in cities and institutions to listen to citizens.

Why wouldn't we make all these efforts? This congress makes our silent and continuous work visible. It is a challenge: it is being streamed with remote simultaneous interpretation to countries in the five continents, 4500 attendants have registered and 2800 are following us online in over 40 countries.

It is clear that something is changing, not only here but in the four corners of the world. This is not just another congress, it is a meeting that aims at committing to a new social pact, to approach conflicts differently, with a new vision that will bring new challenges, new roles, new responsibilities. There will be new paradigms; the pandemics has changed the rules of the game worldwide, it has deepened inequalities, but, at the same time, we have to show ourselves that it is possible to change and leap forward. We have been discussing different tools. Some will be used timely, others, will not.

These are common places where we learn that the times of politics are not the times of the administration. The times of the administration are not those of Justice. The times of Justice are not those of public management, and the response times of public management are not those citizens are demanding.

That is where our institutions play a role. We protect rights, we do know about citizens' demands and times, especially when children, adolescents and senior citizens are involved. We know about those who need to be included and made visible, about those who feel their rights have been violated.

That is when proper responses that create true *public value* come into place; they are a positive complement for justice, advice for the



Executive and Parliaments; they aim at improving citizens' quality of life through adequate institutional management, respect, commitment, support and evidence, always rooted in a comprehensive vision of human rights.

Someone said that *we never find favorable winds if we do not know where to go*. We are a human rights organization. We have always understood the goal of relevant and updated institutions to protect and make progress in matters of human rights.

We are not last century institutions any more. Today, we face multiple challenges and demands. Our competences have expanded. Many governments misunderstand the role played by institutions for the protection of citizens' rights (including Ombudsman Offices and Public Advocate Officials) and, in many instances, undermine their work.

We know that good institutions care for citizens' demands and needs, and the best ones care and address unclaimed, silenced needs. That is where an institution like ours stands, to give voice to the voiceless.

That is the spirit of this Congress: to transcend borders in an increasingly controversial world, increasingly complex, with rising inequalities, more and more multidimensional but favouring individualism in decision making. We all have common problems in this diversity. Those common problems summon and challenge us, no matter the physical or technological borders, whether we are international, national, subnational, regional or local institutions, regardless being public, private or organizations of the civil society, we are all in conflictive times, either latent or manifest, regardless the dimension we work in.

Today this Congress will state that we cannot continue with past discourses, those that have brought us to this reality. If we address these conflictive, complex times with the same formulas, if we try to be more

punitive, to tighten up the laws, to support more guarantism, to soften the sentences, we will repeat the same results.

We should dare deconstruct ourselves, be disruptive but proactive and assertive. This is where we are today, before thousands of opportunities to make things change. We should change our approach, our assessment and our ways to address conflicts. We should keep a humane perspective, focus on welfare and true social justice, that are so closely linked to equality.

It is time to acknowledge our mistakes. It is never too late to make a new start, to address and face conflicts. When we lose our humility, we lose the capacity to grow.

Today, we have to act with humility, make humble decisions. We have to move forward. We have to understand social, cultural, economic, environmental, education, health-related, inclusion-related, technological, and human mobility issues. We have to study modern slavery, old and new violence typologies, a reality that affects us all, either directly or indirectly. Let's assume the responsibility that has brought us together.

Let's break the old discourse barriers, the intellectual and public management laziness that says "it is not somebody else's blame, senior citizens are not the past, children and adolescents are not the future." They are the present, the here, the now! And we should all stay together, united, the public, the private, society as a whole, *that is governance*.

Today, we have to bet on the *present*, because we are all of us this present. Welcome to the challenge.

## **Section I**

*Thirty Years of Mediation in the Province of Santa Fe*



*The Story Behind the Story...*

## **Thirty Years of Mediation in the Province of Santa Fe**

*Dr. Victor Jaef\**

It was back in 1992 when the Ombudsman Office of the province of Santa Fe put forward the idea of institutionalizing and developing Non-Adversarial Systems for Conflict Resolution and, more specifically, the *mediation* system, which had first been implemented in Argentina through a pilot test carried out by the Ministry of Justice in the country's Capital City, replicating the trend in justice administration set by the world most developed countries.

It is along these lines that we started researching into this field. It was not a simple task, and the first challenge was finding literature on the matter, which was almost non-existent in Argentina. The books -most of which were written in English- had to be brought from abroad. This first hurdle was overcome thanks to the help of friends and acquaintances living in the USA, as well as of relatives and friends traveling there, who

\* Director of the Mediation and Conflict Resolution Center, Rosario.

became the first source of this most precious source material.

Once some progress had been made in the discussion of this incipient movement known as ADR (Alternative Dispute Resolution), Resolution No. 1799 was passed on 7 December, 1993, whereby a Mediation Technical-Advisory Committee was created. The goal was to provide a formal framework for the ADR system. This Committee reported to the Ombudsman Office, a leader in the study of this tool for peace restoration.

Work continued with laborious, in-depth analyses conducted in the country with international teachers, but mostly abroad. A significant training effort was undertaken —especially on mediation involving social and community affairs. A project was submitted to the Argentine Ministry of Justice in 1994 for the creation of a Mediation and Conflict Resolution Center which was praised for its quality, as well as for the detailed requirements and formalities established for its implementation. The Mediation and Conflict Resolution Center of the Ombudsman Office, one of the first of its kind in Argentina, was finally opened on 5 July, 1995.

The first nine mediators —licensed by the Argentine Ministry of Justice— were registered with the National Mediators' Registry kept by the Ministry, created to enforce National Mediation Act No. 24573. Something unique about these nine mediators was the fact that they were the first not residing in the country's Capital City to be included in such Registry. This guaranteed the quality of the people who would work as mediators for the Institution.

Citizens rapidly discovered that the Center —and the mediation system— were both useful and practical. Their services were increasingly demanded to resolve ever more complex issues, with the ensuing expansion of its activities and jurisdiction. The Center moved from resolving disputes among neighbors on unpleasant odors or disturbing noises to mediating

in family, school, consumer, health, criminal, discrimination and even trade-related disputes that exceeded the Ombudsman's Office's original jurisdiction.

This undoubtedly positioned us as one of the leading agencies in Argentina as far as the defense, protection and management of citizens' rights was concerned.

Mediators working at the Center engaged in the lengthy yet rewarding path of training and ongoing education (not only in Argentina, but abroad), which included research work, attending training courses, and taking part in congresses in different countries (USA, France, Germany, Romania, Panama, Chile, and Paraguay, among others), all of which helped them gain more practice and experience.

However, we realized that keeping this knowledge to ourselves was not sufficient.

We felt it was also important to share it with others. Therefore, the Mediation Center was registered with the Argentine Registry of Training Institutes, kept by the Argentine Ministry of Justice. This was the starting point for the training and education on mediation and other forms of dispute resolution, which allowed us to train over 500 mediators and deliver hundreds of courses and conferences throughout the province of Santa Fe on different conflicts and their resolution.

Here, we should stop and underscore our efforts in the field of *education*. We did a very good job in disseminating mediation through training activities and informative speeches in various events organized by the Regional Directorates of the Provincial Ministry of Education. We trained directors, supervisors, and chief supervisors from Regional Offices VI and VIII, which we visited on several occasions. We finally set up a training program that is specific for these officers. We were also

especially invited to attend the workshops organized by Regional Office VI and train teachers on how to deal with and manage violence, a growing problem in schools throughout the region.

One major milestone along this journey was the publication of a book entitled *Más allá de la Mediación en la escuela* (Beyond Mediation at School, Ombudsmen Office, province of Santa Fe, 2007), intended to assist the Ministry of Education in the dissemination of the conclusions drawn by the First Postgraduate Course on Education Mediation available in Argentina.

A prominent example was a situation in a school located in the outskirts of Rosario, where high school students threatened to set fire to the facilities following a decision taken by the School Principal—which they found arbitrary—. The fear that the threat would be carried out was more than justified, since an incipient fire had been started in one of the restrooms the day before we were called in to mediate in the case.

Following a call for help—which we received very early in the morning—, we approached the school and, to our surprise, we found a commotion: police, the fire brigade, a Supervisor from the Ministry of Education, the School Principal, some teachers, students inside and outside the school, parents and media representatives (some of them from Buenos Aires, offering live coverage of the event), waiting for instructions.

Thanks to our vast, growing expertise, we started to be called in to cooperate in the resolution of ever more complex disputes in a variety of areas. We were once invited by the Provincial Supreme Court of Justice to offer our services in a complex case involving a plant's takeover by workers which had been brought before the Examining Criminal Court. Curiously enough, this was originally a labor conflict that became a criminal case.

Something unique about these mediation proceedings, conducted at the seat of the Court, was that they involved twenty-two parties and



the attendance of over sixty people, including the accused workers, unions, partners and managers of the company that had been taken over, representatives of the provincial Labour Secretariat and the National Ministry of Employment, in addition to lawyers from several law firms. The proceedings were conducted over several days, during which demonstrators encamped and blocked the streets nearby the plant, with the well-known consequences brought about by this type of actions.

Once again, the restless, innovative spirit which has always inspired and driven our Institution led us to resorting to new tools and strategies. The Center expanded its scope to include *facilitation* as a means for dispute resolution, mainly in relation to consumer and health-related issues, as well as in cases involving public services and utilities.

More specifically, our involvement in these areas is intended to guarantee full access to essential services such as electricity, water, or health care. However, mediation as a means for dispute resolution between two parties on an equal footing before an unbiased third party trying to help them resolve the conflict in a way that is mutually satisfactory proves insufficient.

Depriving any citizen from access to health care or electricity is ultimately tantamount to curtailing such citizen's access to the "new human rights". This does not mean relinquishing the legal role ascribed to and actually played by the Ombudsman Office (i.e., receiving complaints, looking into and recommending possible solutions for the matters being disputed) but, rather, being more than a mere "complaints box" and taking on a greater responsibility, the underlying idea being that of *meeting* with society and discovering its issues and needs.

Our involvement as mere unbiased third parties to assist the parties in dispute proved insufficient in the two areas mentioned above,

hence the use of facilitation to encourage some sort of agreement that will put an end to the conflict between the parties. Rather than leaving aside impartiality, the intent here is actually to work with the parties and help them reach an agreement, effectively resolve the dispute and truly restore peace, disturbed by conflict in these most sensitive areas.

No other public —or private, for that matter— agency has taken on this role, which has proven to be highly effective in practice.

And while others might think this is enough, we at the Ombudsman Office go the extra mile.

The new millennium was marked by the implementation of novel technologies, and, keeping up with the times, we decided to put them to the service of our society, strengthening our leadership role in dispute resolution. We therefore joined the then incipient global movement towards on line dispute resolution (ODR), which involved the use of technology tools that offers the parties an opportunity to solve their disputes even if they are hundreds of miles away, or whenever meeting in person is not an option.

In view of the crisis unleashed by the COVID-19 pandemic, ODR proved a completely and absolutely successful solution that allowed us to continue offering our remote mediation and facilitation services with the same level of satisfaction and attendance of in-person proceedings.

We could resolve cases such as that of a mother of two minors living in Orán, in the province of Salta, who requested our help to obtain from the children's father — a Rosario resident— the legal custody of the children in order to access a number of social benefits granted by the government in her province. A curious anecdote about this case is that the meeting was held in a small room that was used as archive in the Civil Defense Office at the local courts, which offered a better Internet connection.

This and many other experiences during the past three decades have allowed the Mediation Center of the Santa Fe Ombudsman Office to earn its place in the community. Far from being content with our performance, all this encourages us to go further, promoting the development of community mediation as an effective tool for peacekeeping and peace restoration.

This is what we wanted to recall and celebrate through the International Congress held in Rosario.

Given the varied nature of our work, we organized the Congress around an outstanding range of highly current themes. This involved several months of preliminary work with people around the world. Organizing the Congress was by no means a simple or easy task, haunted as we were by the resurgence of the COVID-19 pandemic, which made our organization efforts ever more complex. We had an original plan (Plan A), which involved a significant number of participants attending the Congress in person, but also a Plan B, where the Congress was held exclusively on line, plus a third option (Plan C) to accommodate any potential difficulties with plan B.

We were fortunate to hold the Congress as originally planned, i.e., a hybrid event involving both in-person and on-line attendees, as well as live streaming (with simultaneous interpretation) from Rosario to the world.

### **Pre-Congress**

Such an important event had to be first introduced in society to be adequately disseminated, allowing us to gain some preliminary insight into how much attention it would attract, and provide for any potential shortcomings. We therefore organized a preliminary two-day activity,

two months before the Congress, with the participation of Dr. Raúl Calvo Soler, one of the keynote speakers and a renowned Spanish scholar specialized in conflict mapping and analysis with vast expertise in various fields; he is currently leading several restorative juvenile criminal justice programs throughout Argentina.

This preliminary activity —which proved to be an utmost success— started on 19 May at the Spanish Club in Rosario with a lecture entitled “*Prácticas restaurativas en conflictos deportivos*” (Restorative Dispute Resolution in Sports) and it was attended by members of the provincial and municipal Sports Departments, the *Asociación Rosarina de Entidades Amateurs* (Rosario Association of Amateur Sports Institutions (AREDA), and the *Federación Santafesina de Clubes* (Santa Fe Province Sports Clubs’ Federation). This was followed by an enjoyable meeting at the Rosario Old Resian Club to discuss “Violence in Rugby”.

Then, a round table on “Juvenile and Restorative Justice as Human Rights” was held the following day, 20 May, at the Ombudsman Office. This dialogue was attended by a large number of people, including members from the Judiciary (mostly judges, defense attorneys and prosecutors involved in juvenile criminal justice, members of the Santa Fe Executive, and former provincial Representatives, as well as several institutions and NGOs dealing with this most current and sensitive issue. We realized, however, that in addition to the academic activities we had to gain actual, first-hand knowledge on the field. So, we engaged in an informal and relaxed —yet highly deep and moving— conversation with *Madres Territoriales* at the Buen Pastor Church in Rosario, where we discussed the complexities of crime and addictions with minors and youngsters being at the heart of this harsh reality in their dual roles as both victims and perpetrators.

We wish to reemphasize the success and impact of these preliminary activities that stirred interest and expectations about the upcoming Congress. We faced an even greater challenge, however. We discovered we had been right in deciding to choose “conflict”, a crucial yet highly unattended topic, as the central topic of the Congress.

A team of thirty officers from our Office embarked in the final preparation stages, with a sometimes-frantic level of activity and an agenda that changed almost daily due to some last-minute problems with foreign speakers that found it impossible to take part in the Congress.

An example of how current the topic chosen as the Congress subject matter (“Addressing Conflict in the Global Agenda”) was the first telephone communication (following countless messages and e-mail exchanges) with Dr. Kai Brand-Jacobsen, the second keynote speaker, a Norwegian-Canadian citizen living in Romania. Upon telling Mr. Brand-Jacobsen that we wanted to contact him by phone, he asked us to do so immediately, since he would soon be out of reach, and so we did. A roaring, engine-like background noise could be heard as he answered the call. It was indeed—as he soon explained—the sound of a truck that was riding to Ukraine during the night in a humanitarian mission (of which he was a part) to rescue Kiev citizens and bring them as refugees to Poland and Romania.

This is the quality of the speakers we had at our Congress.

### **Pre-Congress Activities**

Different activities were arranged for the two guest speakers attending the Congress in person, starting one day before the formal opening date.

A meeting between Calvo Soler and Brand-Jacobsen with Argentine

Senators was arranged for the morning of Monday 4 July, 2022 at the Ombudsman Office. The participants exchanged ideas, projects and proposals to address the increasing level of conflict in our province. It was a very fruitful meeting, following which the speakers were interviewed by various media, all of which contributed to further disseminating the Congress.

In the afternoon, while participants from all over the world arrived at Rosario, the two speakers attended two separate activities.

Dr. Raúl Calvo Soler was invited by the Rio Paraná Rotary Club to speak on “Conflict in the Classroom”, an activity conducted at the Rosario Jockey Club with the attendance of Mr. Danilo Capitani, Provincial Minister for Social Development, and Ombudsmen Jorge Henn and Gabriel Savino, as well as members from the Advisory Board and the Mediation Center.

In turn, the Swiss Consular Staff based in Rosario organized a meeting at the Swiss House, attended by Members of the Argentine Ombudsman Office Association (ADPRA) and the Mediation Center Director (later joined by Ombudsmen Henn and Savino), where Dr. Kai Brand-Jacobsen spoke about the current situation in Ukraine and its global implications, a topic that stirred interest and curiosity amongst the consuls present, who had the opportunity to discuss this issue in greater detail during the Q&A session.

### **The Congress, at last**

It was now 5 July, 2022, the much-awaited day when the Congress would be formally opened. Activities started very early in the morning with the hoisting of the national flag at the Flag Memorial, an activity organized by the Municipality of Rosario —host city— to honour our distinguished authorities and guests.

It was a highly moving ceremony where all participants watched our flag rise into the sky and wave to the tune of a clarinet, while a group of soldiers that guard the Memorial paid homage. This ceremony was attended by the two international speakers, Raúl Calvo Soler and Kai Brand-Jacobsen; Keursly Concincion, Ombudsman for Curaçao; the Hon. Antonia Florbela de Jesús Rocha Araujo, Ombudsman for Angola, accompanied by a large delegation; Sandra Nogué Collazo, Director of the Mediation Center of the Dominican Ombudsman Office; Ombudsmen Jorge Henn and Gabriel Savino, and Mr. Victor Jorge Jaef, Director of the Mediation Center of the Ombudsman Office, accompanied by other Center members, all of whom were welcomed by Gustavo Zignago, Secretary of Government at the Municipality of Rosario, on behalf of the City Mayor in his capacity as host of the event.

The ceremony ended with a visit to the Flag Hall, also located at the Memorial, where foreign visitors laid floral tributes, and the local Ombudsmen did the same before the pertinent foreign flags.

Following this moving activity at the Memorial, participants went to the Rosario Board of Trade Auditorium, where the International Mediation Congress was formally opened.

We wish to acknowledge and thank the generous and disinterested assistance provided to our Office by the Board of Trade authorities, who kindly offered the necessary facilities and infrastructure to hold the Congress, a most valuable contribution, at cost whatsoever for our Institution. Lectures (both from the Auditorium and the Art Room, where the workshops were held) were broadcast live to the rest of the world via streaming, and simultaneous interpretation was available.

The opening ceremony was attended by current Ombudsmen Gabriel Savino and Jorge Henn; former Provincial Ombudsmen; Dr.

Alejandra Rodenas, Deputy Governor of the province of Santa Fe; the Rosario Secretary of Government on behalf of the City Mayor; Ombudsmen from all over the world; Directors of Mediation Centers from Rosario, Argentina and abroad; mediators, teachers, and the general public, all of them stirred and united by their need to learn more about conflicts and the different strategies to resolve them.

**Some Facts and Figures: 39 exhibitors, 2890 attendees from 40 countries representing all 5 continents**

The opening remarks were entrusted to Ombudsman Gabriel Savino, the host of the Congress who, following the customary acknowledgments, spoke about the present and future of the Ombudsman Office. He was followed by the Secretary of Government, who welcomed special guests to the city, with the Deputy Governor finally sharing a moving speech and presenting Ombudsman Savino with a Diploma acknowledging the Congress as a very important event.

Next, Dr. Raúl Calvo Soler was given the floor to deliver his keynote speech on the main theme of the Congress, also present in all subsequent interventions. “*Conflict: What Conflict?*”, introduced by Ombudsman Jorge Henn, which ended with a workshop facilitated by this same speaker.

The topic was definitely the right choice, since, as part of our work, we have come across a significant amount of literature, workshops and sessions dealing with dispute resolution and conflict management tools. There is a long list of possible solutions, with different names, developed in different places, all of them intended to deal with conflict, but which fail to discuss the main issue, which is precisely *conflict*. Understanding its origins and evolution is of the essence to resolve it. Any other approach would mean attacking the problem without first identifying its root cause.



It would be equivalent to basing the study of medicine on pharmacology, rather than on the human anatomy. Hence the choice of the subject matter for this Congress.

The afternoon of the first day started with a Dialogue Panel on a hot topic: “Environmental conflicts, Latin American experiences in governance”, by Diego Luna Quevedo (from Uruguay, currently living in Chile), Saúl Ruiz Fernández (Mexico), Florencia Sivori and Matías de Bueno (Argentina).

The day ended with the workshop “What do we teach and what can we teach about conflicts at schools”, delivered by Florencia Brandoni (Argentina), a specialist in school mediation.

Conflict at school has always been a priority for our Office, so this topic should be discussed at the Congress, with the degree of insight and relevance that only Professor Brandoni could provide. This stirred interest among teachers, school supervisors and their heads, as well as among members of the provincial Ministry of Education.

The following day, Wednesday 6 July, started with a brilliant speech by the Norwegian-Canadian peace activist Kai Brand-Jacobsen, who inspired the audience with his keynote lecture “The challenge of peace in a divided world: Shaping the future”. His experience, gained thanks to field work on territories at war, and his approach in societies that have been affected by armed conflicts, conveyed to participants the idea, and the need, to go past the local scenario and also become involved at a global level. His actual experience and role in the current Russia-Ukraine war (to which no short-term solution is foreseen) enriched his presentation with the actual dimension, depth and drama of this armed conflict, and shed light on the future consequences it will have for the world.

Our Institution has always encouraged and disseminated the

activities carried out by other Ombudsman Offices, so the morning ended with a Panel Discussion: “The ombudsman in global conflict management”, by Pablo Ulloa (Dominican Republic), President of the Ombudsmen Ibero American Federation, who was accompanied by Catalina Crespo Sancho (Ombudswoman for Costa Rica), Jorge Enrique Calero Chacon (Ombudsman for Colombia), and Nadia Cruz Tarifa (Ombudswoman for Bolivia).

The afternoon agenda started with a most interesting Dialog Panel on “The ombudsman in local conflict management”, with the participation of Keursly Concicion, Ombudsman for Curaçao and Regional Director of the IOI for Latin America and the Caribbean; Cristina Ayoub Riche, President of the IOI and Ombudswoman for Brazil; Rolando Luque Mogrovejo, Associate Ombudsman for social conflicts and governability, Ombudsman Office (Peru); Fernando Bravo, Ombudsman and Protector of the Environment for San Martin de los Andes (Argentina), and Antonia Florbela de Jesús Rocha Araújo, Ombudswoman for Angola. This panel shed light on current trends in the approach to local conflicts, focusing on the specificities for each place or region.

This was followed by a panel discussion on a most novel and challenging topic: “Conflict in the digital realm”, with the participation of subject matter experts Arístides Contreras (Colombia), and Juan Belikow, Gastón Masari Copes, Lucía Fainboim, and Javier Barraza (Argentina).

This second day ended with a Dialogue Panel on “Experiences in Conflict Resolution”, where the experts shared their expertise —and, above all, their views and proposals on the matter—. The Panel included Oscar Freddi (Representative of the Rosario Board of Trade (Argentina); Ricardo Riva, Ombudsman Office of Neuquen (Argentina); Mónica Aguirre, Director of the Mediation Center, Rosario Bar Association (Argentina), and Rolando Ruiz, Director of the Mediation Center, Rosario

College of Real Estate Agents (Argentina). The idea underlying this Panel was to shed some light on the issues, specific level and type of conflict in certain institutions, plus the possible ways to address the same.

During the last day of the Congress, Thursday 7 July, the agenda comprised a varied and busy range of topics that went from local to international, and from the past to the future. The morning started with a Round Table where distinguished speakers Chris Field (Australia), President of the International Ombudsman Institute, and Pablo Ulloa (Dominican Republic), President of the Ombudsmen Ibero American Federation, discussed the issue of “Addressing conflict in the global agenda” and, thanks to their vast knowledge and expertise, shared their enlightening view on this matter.

This was followed by a series of conferences, starting with an analysis of “Argentina and Latin American social conflict-ridden situations”, by the expert Alejandro Nato (Argentina), followed by a moving presentation by Gladys Álvarez, former Justice of the Court of Appeals and one of the pioneers in this field, who told us about “History of the ADR movement”. During her presentation, she reminded participants about the hurdles and challenges faced by those who preceded us in this field both in Argentina and in the region, their struggles and disagreements, until they finally managed to make ADR a part of our culture. The last conference of the day was delivered by Matanyahu Engelman (Israel), who shed some light on “Dealing with multiculturalism in conflict”. Understanding multiculturalism is an essential skill for the Israel Ombudsman Office, in view of the particular features of its work field (i.e., the type of audience requiring its services and the variety of nationalities involved), hence the value of his vast knowledge and expertise.

## Conclusions

Following two hard yet enlightening days, it was time to draw some conclusions and formally close the International Congress. In a highly moving ceremony led by Victor Jorge Jaef, General Director of the Mediation Center of the Ombudsman Office of the province of Santa Fe, we shared an account of the early days of the Center and its subsequent development over three decades, all of which paved the way for making this Congress a reality.

The closing ceremony started by acknowledging all members of the Office who made the event possible, and, especially, the role of Silvina Susana Giménez, who was in charge of the complex logistics and of seeing after all of our guest, followed by some final remarks by Raúl Calvo Soler y Kai Brand-Jacobsen, our two distinguished speakers, who underscored the most valuable role played by our Mediation Center and Ombudsman Office, as well as the relevance of such an important event. They not only referred in their conclusions to the importance of the past, but also of the future, marked by new, challenging proposed actions for peace building and non-adversarial conflict resolution through adequate means besides mediation, further promoting and developing the same.

The initial goal of the Congress —a propositional event focusing and placing emphasis on the future— had been realized.

**Book presentation: *Addressing conflict in the global agenda: 20 years of experience in the Ombudsman Office of the province of Santa Fe***

Victor Jorge Jaef (Argentina), Director of the Mediation Center, accompanied by Alberto Castro (Peru), professor of the Pontificia Universidad Católica, and by Tomás Dadic (Argentina), Head of Institutional Relations ,Ombudsman Office of Argentina presented the

book that will contain all the presentations and conclusions shared in the course of the Congress, as well as an account of paradigmatic cases which, irrespective of the social or economic relevance of the conflict resolved through mediation, “have changed people’s lives”.

Speakers underscored the value of the written word and the legacy handed down to those who will in future work in furtherance of peace, who will therefore avoid incurring the same mistakes made by others in the past and profit from valuable positive experiences. In line with current technology trends, the book will be offered in digital form, but also as in print, thus becoming a printed legacy for future generations and serving as yet another tool to underscore the value of past experiences and ensure they will continue in future.

### **Closing**

Jorge Henn, Ombudsman of the Province of Santa Fe, noted the valuable conclusions drawn and the Office’s ongoing challenge of responding to citizens’ needs, following which he declared the International Mediation Congress, which was now a thing from the past, but also the future, formally closed.



## Section II

*Lectures*





## **Mediation as a Method of Conflict Resolution for Human Rights Institutions and New Restorative Approaches<sup>1</sup>**

*Professor BA Gabriel Sandro Savino<sup>2</sup>*

### **Some background**

The Ombudsman Office of the province of Santa Fe was created by law 10396/90. It is one of the first subnational institutions of Argentina and came before the National Ombudsman Office, created by the Constitutional Amendment of 1994. The Santa Fe Office has been protecting citizens' rights for over 30 years in this culturally rich and very productive province. Four million people live in the province and the Office deals with more than 50 000 complaints a year, on average (2022 Report.)

<sup>1</sup> Presentation delivered at the International Seminar on Mediation and Alternative Conflict Resolution organized by the Research Center of the African Ombudsman Office (AORC). On the invitation of the International Ombudsman Institute (IOI), the Research Center of the African Ombudsman Office (AORD) and the Kwazulu-Natal University of South Africa. This presentation was delivered at the International Seminar on Mediation and Alternative Conflict Resolution: Dealing with a Challenging Behaviour.

<sup>2</sup> Ombudsman, Ombudsman Office of the province of Santa Fe ([defensoriasantafe.gob.ar](http://defensoriasantafe.gob.ar)). Ombudsman, Ombudsman Office for Children and Adolescents of the province of Santa Fe ([defensorianna.gob.ar](http://defensorianna.gob.ar)).

It is an autonomous institution that reports to the Legislative but has no mandate from any power of the State. Its intervention lines of action include *assistance to citizens: public services, health, education, security, services, consumers, infrastructure, the environment, inclusion, etc.* Since 1993, the Office has a Centre for the Assistance of Crime Victims and Witnesses (the CAV), the first in the province. It is a benchmark for different approaches to violence-related matters: family violence, gender-based violence, child abuse, institutional abuse, older people issues, inclusion matters, labour exploitation, human mobility, human trafficking, sexual exploitation, etc.

Besides, since 1994, there is a Centre for Mediation and Conflict Resolution where mediation takes place (1,000 interventions in 2022, on average). The Centre also trains community mediators and facilitators, more than 1,500 have been already certified. In 2017, more functions were added with the active procedural legitimation of the Ombudsman. The Mental Health Review Board was included among the Office's competences in 2018.

For over 20 years, the Office has been carrying out a territorial decentralization policy. We currently have 46 assistance offices in different towns and cities, and three mobile offices that show up in cities and institutions to listen to citizens.

In 2022, the Office opened the Institute for Training in Modernization and Public Administration where public officers and citizens have been educating themselves in different human rights issues and perspectives for more than two decades.

### **About conflicts and approaches**

**Conflictiveness** *originates when someone has a claim but someone else*

*is opposing resistance, does not agree with what is being claimed ( $C=P+/-R$ ). The conflict dimension is based on how intense the claim and the resistance are (conflict *scales up or down*); that is where the primary origin of the conflict lies.*

Therefore, we have to consider the dimension where the conflict arises, its context: family, work, community, social environment, education, private, religious, urban, rural, between institutions, between officers, between an officer and a citizen, between indigenous communities, whether they involve ethnic or religious issues, power imbalance, inequalities. Past histories are to be considered since they are current in the conflict.

To understand the conflict dimension, we visualize an ascending spiral with plateaus and moments when it builds up, a life cycle, with an origin/beginning, a growth/development and a death/latency. But, if conflict continues to escalate, it may reach unsuspected dimensions.

Many times, we believe we have solved the conflict because we do not talk about it any more, but it is dormant and when activated, it will come back more intense, often in an uncontrolled dimension.

It is worth mentioning that a conflict can have only two parties, but there are some conflicts with multiple parties: conflicts in a neighbourhood, storming an institution, public spaces, demonstrations, street blocking, conflicts at schools, etc. There is also a new form of conflict where *there is not another party, or where the other party is difficult to identify*. It is when the conflict occurs in a digital environment. However, we should also be present there: *grooming, phishing, cyberbullying, online scams, sextorsion, stalking, sexting, etc*).

When we talk about demands, conflicts and resolution, we know that the times of the administration are not the times of public

management; the times of public administration are not the times of Justice; the times of Justice are not the times citizens are demanding. That is why our institutions exist, to protect rights, to act as mediators or facilitators in conflicts. At the minimum, our task is to avoid conflict escalation to unsuspected or uncontrolled dimensions, to turn into critical situations that require a completely different approach.

That is why more punitivism, the tightening up of laws, the softening of sentences, more garantism is a debate that has failed in our system, because resolution lies in a binary thinking, black or white. Today, conflicts are multidimensional. They are to be thought from a complex and interdisciplinary approach, not with a lineal approach; conflicts must be addressed by multiple agencies, that is, from different institutions. We make efforts, as officers and as human rights defenders, we deconstruct ourselves to try and understand another person and their complexities. It is a joint construction, not from public discourse but from the real commitment of governments, institutions, officers, and citizens (solution with governance.)

We advocate approaching conflicts through alternative, peaceful means, to stop them from scaling up. We always privilege avoiding the courts; we look for alternative intervention methodologies, beyond any prejudicial mediation system already in place, that, in our experience, has proven to fail.

Currently, to avoid solving conflicts in the courts, we resort to:

**Negotiation** between two or more parties seeking their own benefit, an acceptable, constructive, non-competitive benefit, in a win-win situation.

**Community mediation**, a formal process where an impartial third party and the parties to the conflict voluntarily try to solve the conflict —

the mediator does not suggest any solution, a common mistake— and reach a long-lasting agreement. It is a formal, voluntary, free and confidential process.

**Facilitation:** it fosters agreements. During and immediately after the pandemic, there was an increased use of facilitation via digital platforms. The physical dimension turned to digital, a different scenario where kinetics —body language—, proxemics —private spaces— and para language —non-verbal elements— change. A more informal process where an amiable compositeur meets the parties; in other contexts, it is similar to **Intermediation**, somebody who liaises or communicates with two or more parties and makes a proposal.

**Arbitration**, a third party makes a decision on the issue under consideration following rules accepted by the parties.

**Conciliation:** a third party intervenes and helps the parties themselves consider suggested solutions of judicial tone and reach an agreement.

And, both the Ombudsman Office and the Ombudsman Office for Children and Adolescents have started, when minors are involved, to use **Restorative interventions** (restorative justice): the idea is that restoration or behaviour modification will repair the harm done.

#### **From mediation to restoration**

This new intervention tool that our Office is using helps understand human relationships. It is a new approach to conflict between people and to the role of the law, recompositive, restorative forgiveness or sanction.

And now I will make some considerations: RESTORE is not the same as REPAIR, because restore is not the same as mediation between parties.

In 2022, Calvo Soler said that *repair* is equivalent to and assimilates

to the idea of *sanction or compensation* for the damage caused—it means to reward in the affected space. Meanwhile, a **restorative intervention** is equivalent to observe the damage, not in a tangible version, but in an intangible version, plus the daily violation of human rights. In other words, I reset the knowledge or responsibility of the damaged space of human rights. I reset the bond between the victim and the victimizer, the aggressor and the attacked, beyond the damage already made which many times we cannot repair.

And we have to make a distinction between mediation, a intervention that operates within a logic of meeting between the victim (the injured party, the affected party), the aggressor (the injuring party, the neglecting party), and the mediator, an impartial third party that tries to balance things often between unequal parties.

I'd like to discuss *restorative interventionism* here, in this important seminar because it is a methodological breakthrough. It entails a *change in the cause-effect approach and paradigm. Meeting does not aim at a symmetry between the one who hurts and the one that is hurt.*

*It may be or not be a meeting between parties. It is a work done in private, independent meetings. Independent to visualize the affected right; we have to understand that not all parties can understand the context where their rights are violated or tis meaning.*

Therefore, the impartial party training to face every situation is key. This party should privilege their common sense, not their legal, sociological or psychological knowledge. This party should privilege the sincere intervention of the conflicting parties to reset the conflict —first, the conflict has to be acknowledged. The parties should always be willing to bridge their interests and needs through an honest, sincere dialogue, putting aside their differences. The needs that motivate people have much

to do, their physiology, safety, belonging, esteem and self- actualization (Maslow:1943.)

Conflict is not always addressed the same way, whether it is similar to another or not. Every conflict has its peculiarities, every person involved has different perceptions, interests and needs.

Our Centre for Community Mediation and Conflict Resolution goes back 30 years. Today, we have Directors and Coordinators that help as mediators, not only in our main offices but also in every local office —we currently have 46. They are properly trained as mediators and facilitators. We have continuing education on assistance services, conflict de-escalating and first intervention.

The Ombudsman Office staff and teams receive continuing updating and information in our Training Centre. The staff of the Ombudsman Office for Children and Adolescents also attend the courses, and we deliver seminars that are open to the community.

Mediation is a formal method that requires certain conditions. When the intervention is more informal, we use facilitation or an amiable compositeur. When the situation is more complex and involves children or teenagers, restorative interventions are being very successful.

We are currently using restorative processes when young people in conflict with the law are involved, as well as minors beyond the reach of the law. The management of conflicts is nowadays more multi dynamic. As previously said, today, conflicts are not linear or binary. Today they carry more dimensions, more complexities and require a multidimensional, multi-agency intervention.

The pandemic faced us with a new reality, new approaches to new themes. We had to shift our approach, face to face meetings are no longer possible and the impartial third party has to mediate or facilitate

online. The physical dimension turned to digital, a different scenario where kinetics —body language—, proxemics —private spaces— and para language —non-verbal elements— caused the mediator not to be in control. This is something to consider. Now, the challenges are greater.



## The Ombudsman's Role in the Mangement of Local Conflicts

*Cristina Ayoub Riche<sup>1</sup>*

Dear colleagues, good afternoon!!

It is with great pleasure that I take part, even if online, in this International Mediation Congress called The Approach to Conflict in the Global Agenda. On my own behalf and on behalf of the Latin American Institute for the Ombudsman/Ombudsman Offices, I'd like to salute this initiative and thank Gabriel Savino, Ombudsman of the province of Santa Fe, a member of this panel about the Ombudsmen role in the management of local conflicts. I greet the panel moderator, Lionel Suarez, president of ADPRA and panel members Keursky Concincion, Rolando Luque Mogrovejo, Fernando Bravo, and Antónia Florbela de Jesus Rocha Araújo.

Let's start with some comments; I will not give any answers here and now, but these ideas should populate our thoughts, our choices and our daily actions to wake up our conscience of who we are, who we want to be, what we want to do, and foster in this world.

<sup>1</sup> President of the Latin American Institute for the Ombudsman/Ombudsman Offices

What are our purposes?

What are our dilemmas?

What are we doing to learn to live and coexist with other people?

Do we know how to live with differences, disagreements and tensions?

How are we managing conflicts and our contradictions?

Do we know how to assess a phenomenon from different perspectives?

Are we connecting through communication?

How can we boost people's trust on the Ombudsman Offices?

Discomfort is one word that can define the feeling of living in today's world. The COVID-19 pandemic took us all out of our comfort zones violently and threw us into a movement that, for months now, is still here and makes us wonder where we are going to end. Often, we don't know where we want to go!

These new times have severed the bonds of affection in many communities, have made our communication and connection with other people more difficult, have unleashed a profound value crisis, and are questioning ethics, trust, humanitarian and health policies. In the face of such a global humanitarian crisis, inequalities are on the rise and the visions of the world are more and more polarised. Therefore, individual actions are increasingly essential to help a collective construction of new ways of thinking, doing, creating and changing this pessimistic, violent, unequal, dystopian scenario. Engaging in earnest work, with serenity and dedication to build trust, an environment where ethics, harmony, dialogue and respect are the pillars of interpersonal and institutional relations is of utmost importance.

Theory says that our practices guidelines can be based on ethics, on philosophy, on our knowledge of management good practices, on consolidated democratic principles, on the law and many other areas of knowledge, but love is seldom mentioned and rarely tried. And love, as Bell Hooks reminds us, isn't a feeling, it is an action. In the face of the global crisis we are immersed in, it is necessary to boost our need for more love, love for our neighbours, for our communities, for Nature, for the strength of art and cultural narratives, for the welfare of families and individuals, wherever they may be.

What would it be of ombudsmen if they didn't understand they have a social role to play, that ombuds should be institutions that guarantee and protect rights and democratic participation? In their daily work, have they taken the time to reflect on the significance of innovation, on how virtuous good coexistence is, on sharing experiences and ideas, on creativity, sustainable development and learning about sources that feed us ideas, memories, thoughts? What about on the importance of reading biographies?

In a climate that pretends to be democratic, there is a fundamental and imperative assumption, that of an emancipated and participative population. It is therefore crucial to foster active citizenship that, to be implemented, requires inclusion, listening, empathy, compassion, solidarity, reciprocal appreciation, trust in an environment where everyone feels they are participating, even those who do not have the effective conditions for immediate participation. Everyone should be considered a recipient of equal dignity.

To the State, citizens are technically, legally, economically and socially vulnerable. Therefore, the fight for human dignity is the reason and the consequence of the fight for democracy and justice.

The main purpose of Ombudsman Offices is to guarantee the right to petition, to work in order to create the conditions where fundamental rights are effective: the right to live, to health, to freedom of speech, to truthful information, to equality. These Offices exist to reinforce the primacy of public interest; institutional integrity should be maintained. The Ombudsman acts pedagogically, calmly, respecting confidentiality and solidarity, strengthening a culture of accountability and social involvement, using a language that is accessible and proper to the listener, thus contributing to a better society, more open to the demands of daily life. Everyone knows they are entitled to rights and that every right involves a responsibility.

Every Ombudsman is a privileged listening channel; it has to act as an instrument of the fourth generation of human rights linked to fraternity and solidarity. The Office has to defend the dignity of individuals as an essential republican value, understand that every human being must be treated as unique, as having the right to be. Besides, an individual manifestation can open paths to suggest internal policies of collective and diffuse characteristics, that may turn forgotten and neglected rights into effective ones.

Understand citizens and include them all, using a simple, accessible language, acknowledging their wishes, specificities and context is not a favour, it is a duty of all of us who work in Ombudsman Offices. Therefore, we need to be open and attentive to the always changing demands. Investing in training and raising awareness so that our team can adopt an empathic and compassionate practice is one way to implement the right to solidarity and fraternity.

The relevance of Ombudsman Offices lies not only in their role as instruments that mitigate power and communication asymmetries

between citizens and the State —always trying to attain a balanced relation between the entities involved— but also as mediators in people's relationships, fostering new narratives able to shake ways of thinking and actions towards the full attainment of human dignity.

Let us remember that, in times like the COVID-19 pandemic, giving up an individual right towards the greater good meant that the greater good was a special right. Such commitment is synonym of humility, of search for self-knowledge, empathy and compassion.

In the book *Meditaciones del Quijote* (Meditations on Quixote) published in 1914, the Spanish philosopher Jose Ortega y Gasset says. "I am myself and my circumstances, if I do not save it, I do not save myself." This idea expresses that every person is himself and his circumstances, every person and the world around him are intricately connected, cannot be separated.

Ortega y Gasset's phrase is fully linked to the concept of empathy, something much talked-about nowadays but that deserves more attention. Ombudsman Offices must assimilate and implement such concept in their daily work. Who would have thought that a pandemic would put us face to face with empathy not only as a communication skill but also as something essential to find a solution that depends on each one and on everyone at the same time? I am talking of social distancing, the use of masks, among other issues.

Empathy does not only involve putting yourself in other person's shoes, act in their name, in their defense, that is, thinking in the public benefit, giving space to compassion and love. We showed empathy when we adopted strict measures to avoid coronavirus spreading. We did not think only in ourselves but in older people, in those with comorbidities.

Empathy first lesson has to be in the family, but schools and

universities should teach it as a cross-cutting discipline that applies to every area of knowledge, connecting science and solidarity. Empathy is taught in courses such as psychology, medicine, nursing but ignored in others. Empathy should not only be a subject in a curriculum, it should be embraced by everyone. In my opinion, it is crucial that the Ombuds social body have access to empathy training. We need Ombuds staff and teams to raise awareness and take notice of empathy. They should improve their listening skills, their communication, involvement and build a relation of trust with the parties.

The first step is to remove the focus from the individual and to value the group, take notice and train governing bodies in the need of collective measures for inclusion, to fight discrimination, prejudices and any kind of violence. A leader without a holistic vision will find collective practices difficult. On the contrary, he may reproduce self-centered attitudes. Empathy requires active listening, a technique that can be taught and trained. We are usually part of “conversations” where nobody listens to anybody.

From the Latin *compassio*, compassion means sharing other person's suffering. It relates to the capacity of seeing what is in the other person's suffering. It is the capacity to stay strong and acknowledge your are not detached from that suffering.

Neuroscience has proven that empathy can be learnt, our brain has such plasticity. If we want a better world, a more collaborative, trustworthy world, we need to connect with our environment and feel compassion. The way we relate to ourselves and others is linked to the problems we face. To change the world, we have to change people.

Before finishing, I remember a conference by Professor Muniz Sodre on the role of communication in today's world. He said: “We need

to learn how to unlearn"... and quoting Alberto Caeiro, alter ego of the Portuguese poet Fernando Pessoa:

*Being able to see is essential,  
Being able to see without thinking,  
Being able to see when you see,  
And not thinking when you see,  
Nor see when you think.*

*But this (sad those of us who carry a dressed soul!) / This demands a profound study.*

We would only be complete when we can learn how to unlearn, to discover and fulfill the purpose of our existence. A better, more reliable, loving and compassionate world is possible, let's dream together and start to build it!

Thank you.





## **The Ombudsman in the Management of Local Conflicts**

*Florbela Rocha Araújo<sup>1</sup>*

This paper presents the experience of the Ombudswoman of Angola in the management of local conflicts. It also presents the challenges faced in the application and implementation of the Office's Provincial Services, the extension of those services to the country territorial districts, and the administrative deconcentration of the Office.

### **1. Ombudsman Office Institutionalization. Its Background**

In Angola, the figure of the Ombudsman first appeared in 1992. This important institution was introduced into the he Constitutional Law of the Republic of Angola in articles 142, 143 and 144.

#### **1.2. Introduction into the Constitution and the Law**

Some important data:

- Constitutional Law of the Republic of Angola;

<sup>1</sup> Ombudswoman of Angola.

- Law no. 18/21 of August 16 - Review of the Constitutional Law of the Republic of Angola;
- Law no. 29/20 of July 28 - Organic Law on the Ombudsman Office that supersedes Law no. 4/06 of April 28;
- Law no. 27/20 of July 20 - Ombudsman Office Law that supersedes Law no. 5/06 of April 28).

### **1.3. Complementary Legislation**

Within the framework of its regulatory activities, the Ombudsman Office has approved the following orders:

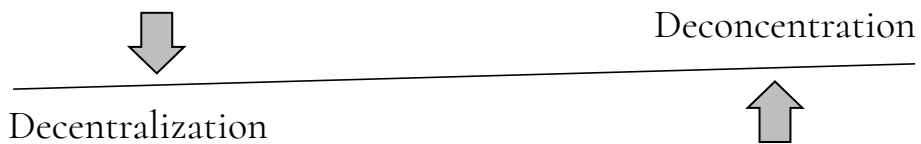
- Order no. 1/21 of September 8 (Rule of Procedures of the Ombudsman Council);
- Order no. 2/21 of November 19 (Code of Ethics of the Ombudsman Office);
- Order no. 3/21 of November 23 (Rules for the Provincial Services of the Ombudsman Office);
- Order no. 5/21 of December 29 (Rules of Procedures of the Ombudsman Office);
- Order no. 6/21 of December 29 (Rule of Procedures of the Ombudsman Office Cabinet);
- Order no. 1/22 of March 24 (Rule of Procedures of the Ombudsman Office.)

#### **1.3.1 Rules of the Ombudsman Office Provincial Services**

Order no. 3/21 of November 23, Rules for the Provincial Services of the Ombudsman Office provides for the following: It changes the name of the Local Services to Provincial Services of the Ombudsman Office; it expands the Office's competences that now can hear the interested

parties while it articulates with the agencies and services of the State local administration; the Head of the Provincial Services reports to the Ombudsman and its functions depend on the Directorate of Specialized Areas; staff is increased to 22 employees, considering the extension of competences from local and municipal to provincial.

## **2. Deconcentration of Public Services**



### **2.1 Management of Complaints Framework**

Our approach is that acts and procedures associated with the administrative processing of citizens' complaints and presentations made through Provincial Services should ensure a speedy and informal processing, and the continuous improvement of public services.

#### *What is the management of complaints?*

The management of complaints or conflicts enables a rational and efficient use of human resources and teams that aim at remediating the infractions committed by public or private sector institutions in matters of public interest. Within the framework of the Ombudsman Office activities, we may understand that a complaint is any communication associated with violations of fundamental rights and liberties, independently of how citizens may present them to request the Office or its local representatives' intervention.

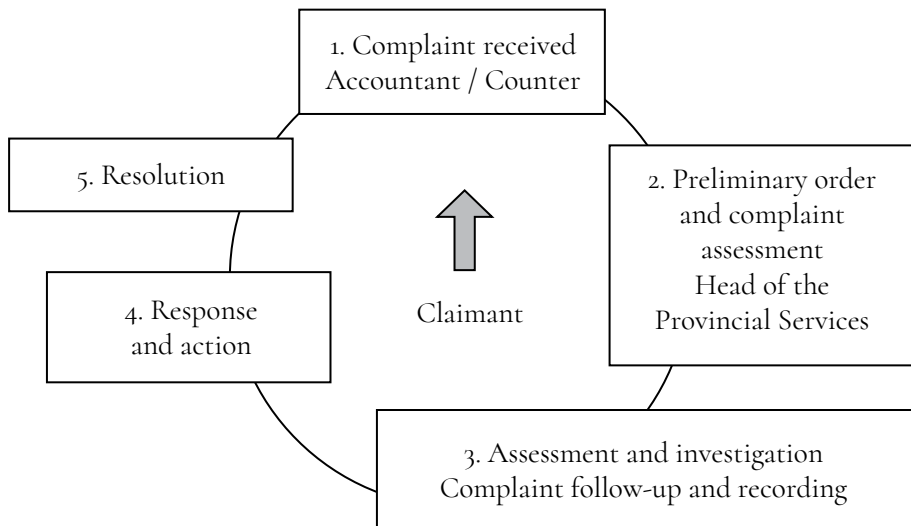
## 2.2 Scope of action

The Ombudsman Office can investigate citizens' complaints based on rights violations, a competence that, in the provinces, falls on the Head of Provincial Services who relies on:

1. Services of the public, central and local administration;
2. Public institutes;
3. State-owned companies or with a majority of public capital;
4. Agencies for the national defense and security;
5. Independent administrative entities;
6. Private organizations that have public powers or provide services of general interest.

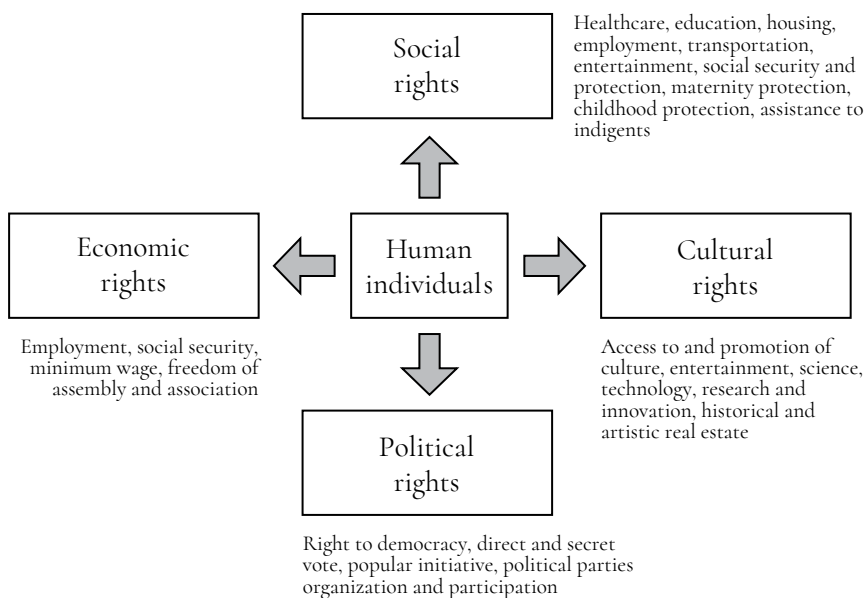
The Ombudsman Office was based on principles of independence, promptness, and gratuity that, together with its power of persuasion and its recommendations may significantly contribute to improve public services.

## 2.3 Management of complaints workflow



## 2.4 Reasons to file a complaint

Complaints received by the Provincial Services of the Ombudsman Office may result from the violation of citizens social, cultural, political, and/or economic rights. Also, from the violation of fundamental guarantees by a public administration agency or by private organizations that have public competences or provide services of general interest.



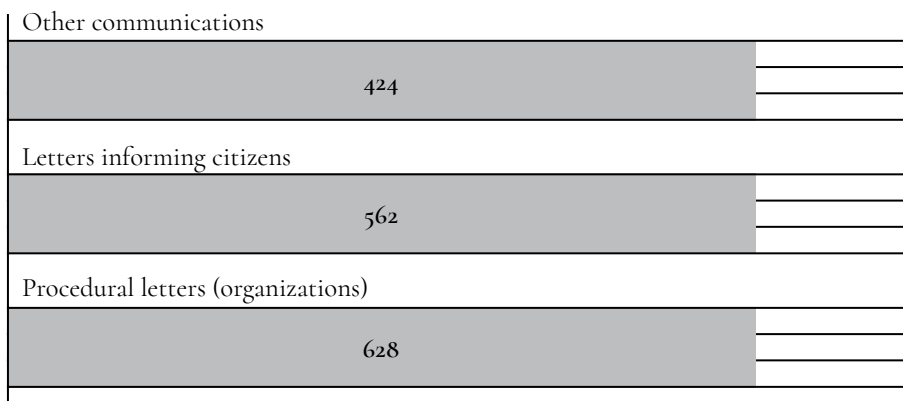
## 2.5 Fundamental guarantees

Fundamental guarantees are legal instruments, rules aimed at protecting citizens from the State, since the State should guarantee citizens' rights, that the minimum requirements for a decent life are ensured, that respect is guaranteed. The Ombudsman Office should ensure that these guarantees are not violated.

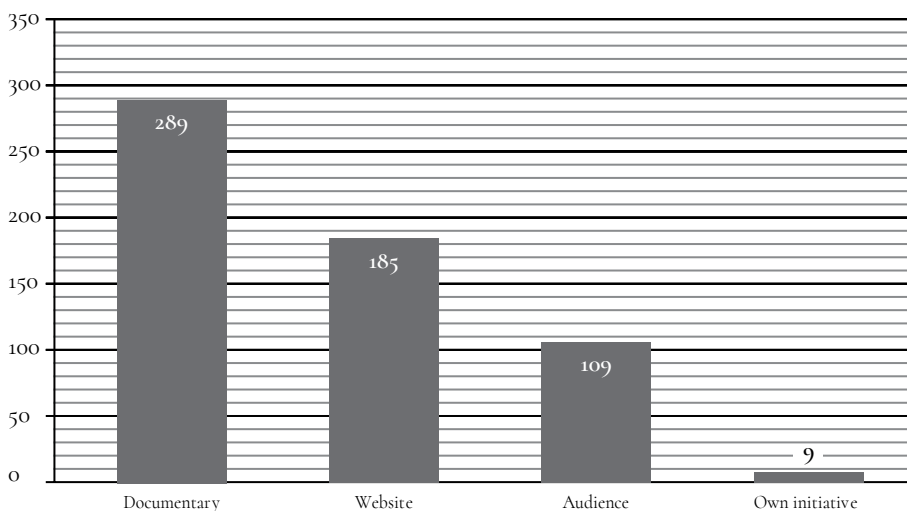
Guarantee of criminal procedures	Habeas data-69º CRA Restriction of rights, liberties and guarantees 57º CRA	Habeas corpus Article 68 CRA Confinement - 64 CRA
Limitation of suspension of rights, liberties and guarantees - 58 CRA	Prohibition of torture, and degrading treatment - 60º CRA	Hedonimus and violent crimes - 61 CRA Amnesties irreversibility - 62º CRA.
Rights of detainees and convicts - 63º CRA	Limits to sanctions and security measures - 66º CRA	Enforcement of criminal law - 65º CRA
Criminal process guarantees - 67º CRA	Extradition and expulsion 70 CRA Right to seek asylum 71º CRA	The State and other collective persons' responsibility 75º CRA
Right to a fair and equitable trial 72º CRA	Right to petition, complaint, grievance 73º CRA	Right to a popular action 74 CRA

## 2.6 Procedures

From January to December 2021, 1,714 letters were sent. 562 were information letters to citizens (34.8%); 628 were about procedures addressed to organizations (36.7%), and 424 were administrative and financial matters (31.5%).



The Ombudsman Office opened and registered 719 new cases in 2021, as shown in the following map. Out of the 719 cases, 289 were physical documents filed at the Ombudsman Office's reception while 185 were complaints filed via the Ombudsman Office's website ([www.provedordejustica.ao](http://www.provedordejustica.ao)), 6 were on the own Office's initiative, and the remaining 239 came from hearings heard by the Ombudswoman and the Deputy Ombudsman.



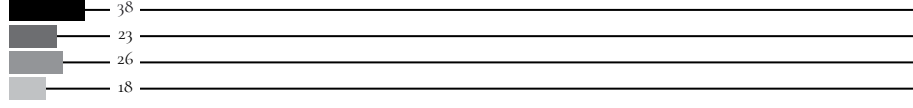
In 2021, out of the 719 cases filed, 668 were investigated or led to an intervention, that is 92.9%, The Affiliated Organizations are those that fall within the scope of the Ombudsman Office, and are pointed out by the citizen or the individuals in a complaint as those that have potentially violated or threatened their rights, liberties, and/or guarantees.

Affected entities	N. of complaints
Viana Municipal Administration	12
Ministry of Health	9
Bar Association of Angola (OAA)	8
Ministry of Agriculture and Fisheries	7
National Bank of Angola	6
Luanda Provincial Government	6
Ministry of Higher Education, Science, Technology and Innovation	5
Ministry of the Interior	5
National Institute for Social Security (INSS)	5
Criminal Investigation Service of Luanda	5
Municipal Headquarters of the National Police - Bengo	5
Armed Forces of Angola (FAA)	4
Ministry of Public Administration, Employment and Social Security (MAPTSS)	4
Ministry of Education	4
Ministry of Energy and Water	4

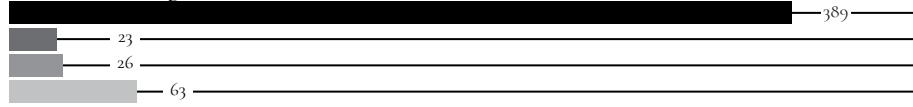
All along 2021, the Ombudsman Office received 120 complaints due to delayed procedures, about twice as much as complaints resulting from labour or legal relations submitted by officers and administrative agents against different agencies of either the central or local public administration.



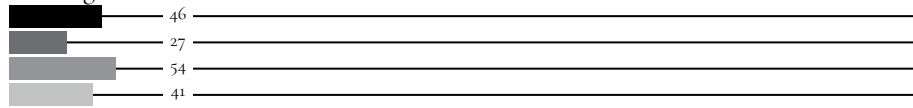
### Reform progress



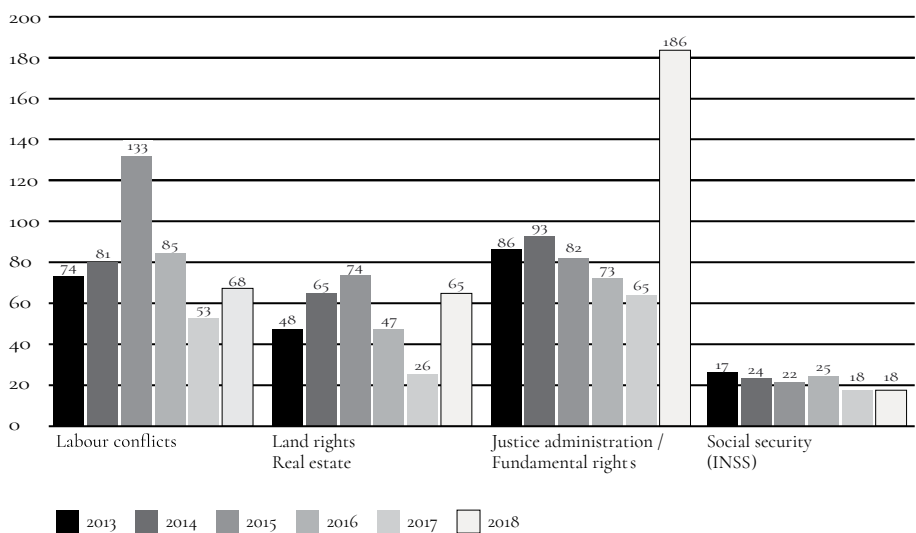
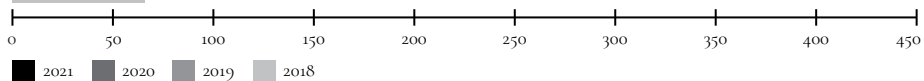
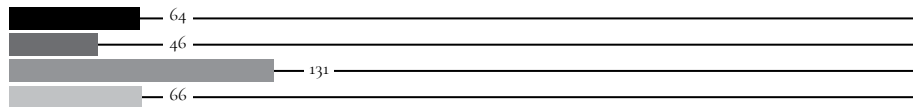
### Fundamental rights



### Land rights



### Labour conflicts



*Agriculture Law Regulations, Order no. 58/07 of July 13,*

Article 209. The Ombudsman Office is a mediation and conciliation agency that attempts to resolve land conflicts. Prior to filing a legal action before a court of competent jurisdiction, the interested parties shall bring any conflict on land rights to conciliation and mediation. The mediation and conciliation department is staffed with two mediators appointed by the Ombudsman (...) The Ombudsman Office has received many complaints relative to land rights and land disputes.

*Who can file a complaint to the Ombudsman Office*

Private individuals, groups of people or legal institutions may file a complaint with the Ombudsman Office.

The complaint should include:

- a) The complainant's name, surname and address;
- b) A narrative of the facts, including the date;
- c) Whenever practicable, the complainant's signature;
- d) Whenever practicable, name, and surname of the party that has caused or failed to comply with the act that has resulted in the complaint;
- e) The complaint cannot include offensive terms that may affect the name and honour of the potential offenders.

### **3. Extension of Provincial Services provided by the Ombudsman Office of Angola**

- The extension of the Provincial Services is one of the strategic objectives set by the Ombudsman Office of Angola.
- The Ombudsman Office of Angola took up this position in 2005, without support services (Ombudsman Office). Only one year after that, the Ombudsman Office Law was passed. At that time, the extension of the

Provincial Services aimed at reducing the Ombudsman's constant travels to address citizens' needs by delegating functions to manage the complaints.

- At present, however, the extension of the Provincial Services provided by the Ombudsman Office of Angola is not just an institutional objective. Every year, the National Assembly (the legislative branch of the government of Angola) assesses the Activities Report and, in the last years, has recommended that this should be an actual task, thus reinforcing the mandate of the Ombudsman.

### **3.1. Extension of Provincial Services**

An administrative deconcentration was the model adopted for extending services provided by the Office, following the public administration dynamics.

Therefore, the Ombudsman Law, the Organic Law on the Ombudsman Office, and the Rules for the Provincial Services prescribed the competences and procedures to receive complaints, manage them, and give hearings, functions that were previously exclusive to the Ombudsman Office but now can be performed by the Heads of the Provincial Services.

An administrative decentralization model for the Provincial Services is currently being discussed; it will consider the territorial size of the provinces, municipalities, and communes. The right to procedural speed will be a key element. From another angle, the legitimacy of representatives, even if they are delegates, is questioned since the law recognizes a single officer, the Ombudsman.

### **3.2. Vision of the Strategic Plan for the extension of Provincial Services**

The 2018-2022 Strategic Plan, still in force, in its Directives and

Definitions of Strategic Objectives recognized “the extension of the services provided by the Ombudsman Office in the national territory, if required, by regions, thus ensuring closeness to citizens.”

On the other hand, the same plan states that “extending the services of the Ombudsman Office to the provinces is a challenge to face, even if by regions.

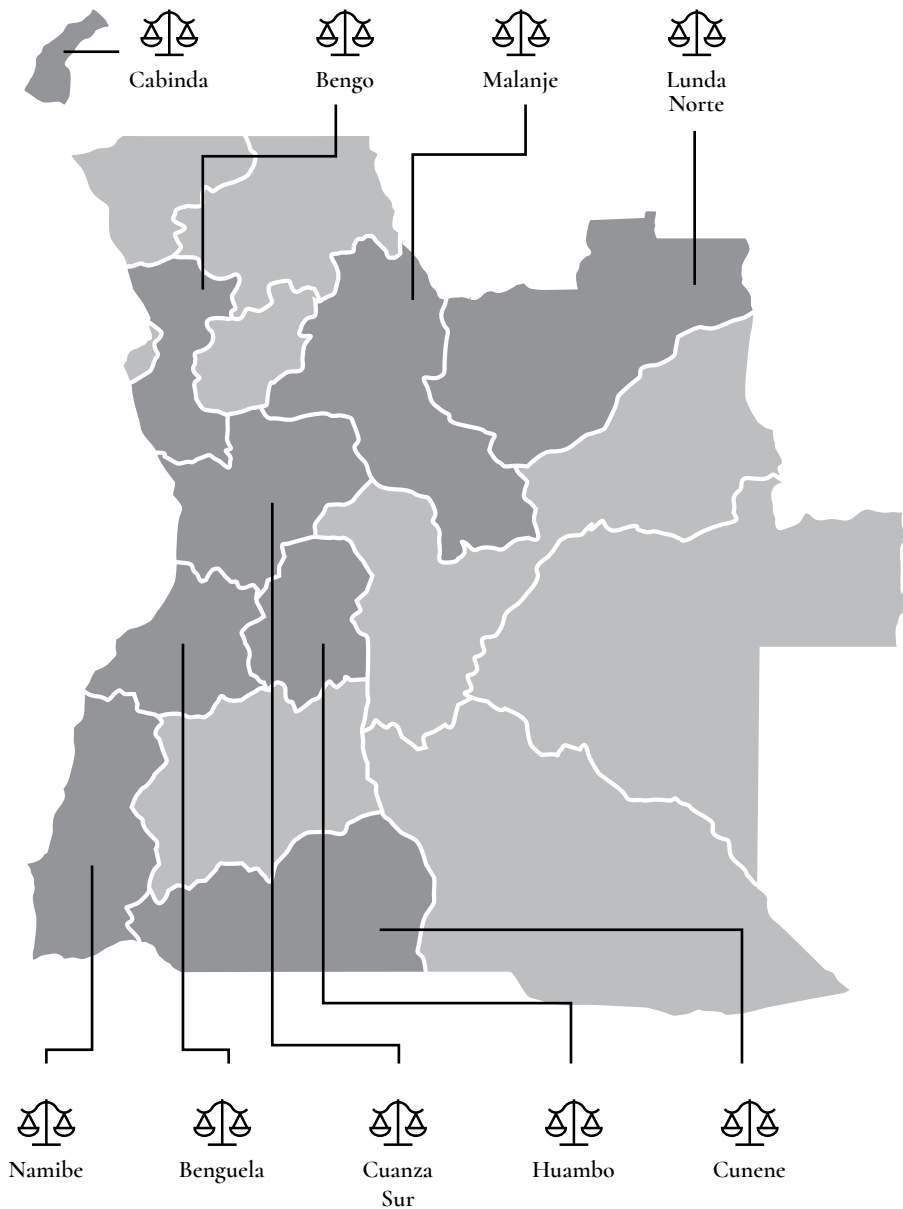
### **3.3. Scope of Provincial Services**

The 2018-2022 Ombudsman Office Strategic Plan recognizes three scopes to implement the Provincial Services: a) National scope; b) Regional scope; c) Provincial scope.

### **3.4. Gradual application**

From the very start, gradual application was the option chosen by the Ombudsman considering the difficulties found in the implementation of Provincial Services, due to, mainly, budgetary restrictions. The same option was selected for the administrative deconcentration and decentralization of Angola, included in Article 35 of the Administrative Resolution no. 3/21 of November 23. This Resolution passed the Rules for the Provincial Services that state “the implementation of the Ombudsman Office Provincial Services should be done gradually and based on the financial possibilities of the Ombudsman Office.”

### 3.5. Extension of Provincial Services: how much progress has been made



#### **4. Challenges faced by the extension of Provincial Services**

The extension of the Provincial Services provided by the Ombudsman Office of Angola constantly faces the primary challenge of getting the local State administration agencies to understand how important and useful they are (constructive influence.)

Therefore, the Ombudsman Office of Angola has cooperated with governors and provincial administrators (municipal, districtual, and communal) trying to find a better location for the offices, always ensuring a healthy coexistence with the different public institutions, especially with those linked to the administration of justice.

In short, the main challenges that the Ombudsman Office of Angola faces in implementing the extension of its Provincial Services are: Functional framework to institutionalize the local authorities; the need to interconnect central services by resorting to new ITC technologies; Frame traditional authorities as destination entities; procedural articulation with the provincial commissions of human rights.

#### **Conclusions**

The Provincial Services look into complaints filed with the Ombudsman Office in the province and as such, they should: provide adequate and clear information to citizens while keeping the Ombudsman Office informed; receive the complaints and ensure their proper management; keep close ties with the Directorate of Specialized Areas during the management of the filed complaints; prepare information and reports on any matter under their scope. The experience of Angola shows that the Ombudsman Office mission is that of safeguarding citizens' rights, liberties and guarantees, which should prevail over circumstantial difficulties.

The deconcentration of the Ombudsman Office services is a must and should be attained through proper means, respecting the right to procedural speed and accessibility. Solutions may include ITC technologies that are key to speed up communication with the target audience of the Ombudsman Office of Angola.

The increased and optimized cooperation with agencies of the State central and local administrations is the fundamental mechanism for the Ombudsman Office sustainability at local level. The possibility of filing complaints by email, free of charge, to have online hearings, and the Ombudsman visits strengthen the scope of services that are no longer static but dynamic.

Complaints filed by citizens or institutions with the Ombudsman Office are registered in the Files Section and Archives of the Secretary General, irrespective of the means used to submit them and no matter they were filed with the central or local services, and/or registered by the Provincial Services.

In case the complaints are received by email, via the website or social media, their reception will be acknowledged using the same means.

The Ombudsman Office does the following in the management of complaints: (a) Reception; (b) Referral; (c) Rejection, and (d) Presentation, that can be delegated to other institutions.

The complaint admissibility will trigger the proceedings, starting with the allocation of a registration number and the corresponding qualification.

Referral: when the assessment determines that the complaint can be managed by another independent administrative agency or specialized public institution, it will be forwarded for processing.

The Ombudsman Office may decide to start processing the

complaint or refer it to the competent institution when the facts or evidence disclose administrative, disciplinary or criminal acts.

Rejection: a complaint is rejected when it is filed in bad faith or with no real basis; in this case, the complaint is simply filed.

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Ley N.º 29/20, de 28 de julio - Ley Orgánica del Estatuto del Defensor del Pueblo.

Ley N.º 27/20, de 20 de julio - Ley de la Oficina del Defensor del Pueblo.

Despacho N.º 3/21, de 23 de noviembre (Reglamento de los Servicios Provinciales de la Oficina del Defensor del Pueblo).



## Addressing Conflict in the Global Agenda

*Werner Amon<sup>1</sup>*

It is a great honour to welcome you to this International Mediation Congress, which addresses the immensely important topic of approaching conflict on the global agenda.

First of all my sincere thanks to the Ombudsmen of Santa Fe, Mr. Gabriel Savino, Mr. Jorge Antonio Henn and their whole team for organizing this event. I would also like to express my gratitude for choosing the International Ombudsman Institute as one of the partners for this conference and for inviting me to speak to you today. It is an honour and a great pleasure.

Moreover, I want to take this opportunity to express my appreciation for the continuous efforts of the host organisation to achieve our common aspirations. This event marks the 30th anniversary since mediation became a subject of research of the Ombudsman Office of the Province of Santa Fe. Moreover, the Centre for Mediation and Conflict

<sup>1</sup> Secretary General of the International Ombudsman Institute.

Resolution of the institution also turns 27 this year. I congratulate you on this special occasion.

Unfortunately, the chosen theme of this congress is not only appropriate for this reason, but also due to the fact that conflicts keep occurring, both on small and large scale.

For ombudspersons, conflict resolution is part of their daily work. This congress enables us to exchange experiences in the field of resolving small conflicts and learn about different strategies to do so.

Mediation is one of the oldest and most common conflict resolution mechanisms and offers the advantages of being informal, confidential and quick as well as inexpensive. However, it must be noted that this requires the willingness of all parties to the conflict.

On this note I would like to mention that our colleagues from Israel have prepared a best practice paper on the topic: “The use of mediation as an effective tool in complaint investigation”. The IOI will soon make it available to its members. Subsequently, we will also publish it on our homepage. We hope that this well-reviewed guide will help Ombudspersons all over the world implementing functioning mediation approaches and techniques.

However, this congress also provides a great and much needed platform to discuss approaches to settle conflicts on the global scale. This is very welcome, because if we develop and discuss strategies and ways of solving conflicts together, it may be easier to actually cooperate in resolving conflicts in the future.

Managing international conflicts has become a priority on the global agenda. The devastating consequences of conflict in an increasingly globalizing world order cannot be ignored. In our globalised world conflicts have far reaching effects on society, international security and

relations. They are a matter that affect us all.

There are several peaceful ways to manage conflicts. These include avoidance, negotiation, mediation, arbitration, and adjudication.

In general, diplomatic activities are the means of choice to prevent further escalation of already existing conflicts. International diplomatic and political efforts towards the prevention, control and peaceful resolution of conflicts remain the only possible answer.

An extremely important aspect of international conflict resolution is building trust. As in negotiations, parties who trust each other are more likely to cooperate and reveal information that may risk vulnerability.

Bridges to conflict parties should not be burnt, even if we have little in common with them. To establish lasting peace, the inclusion of all parties in the conflict resolution is indispensable. This is made particularly evident by the fact that parties, which feel excluded from the political process of conflict resolution or post-conflict order, are the greatest threat to stability.

Prevention needs to be at the core of all efforts being made. As Gandhi said: *"There is no way to peace, peace is the way."* As Ombuds institutions we (shall) contribute to conflict prevention and resolution through our work for the adherence and strengthening of the rule of law and human rights. With our activities, we also aspire to promote and protect democracy as well as access to justice for all. Both are essential for peaceful societies.

These are also the IOI's objectives, which is aiming to furthermore contribute to this goal by facilitating co-operation and exchange as well as encouraging mutual understanding. This is another reason why the IOI is very pleased that this congress is being held.

I wish you all an interesting symposium with fruitful discussions

and I am very much looking forward to learn from the different views, ideas and experiences.

Thank you for your attention!

## **A Comprehensive View of Mediation**

*Juana Mónica Aguirre<sup>1</sup>*

Good afternoon. I'd like to thank the Ombudsman of the province of Santa Fe, Victor Jaef, for the invitation. He is a colleague, a mediator and in thanking him, I'd like to extend my thanks to the entire Mediation Department of the Ombudsman Office of the province of Santa Fe, the authorities of the Rosario Bar Association, and the team of professionals at the Center for Mediation. To those present and those who are on line. To the members of this panel and to all those participating in this important event, whether in person or on line. It is my honour to share with you my experience.

### **Introduction**

When I was a little girl, I used to buy cookies at a grocer's near my house. This grocer's had a very high countertop, almost unreachable. I always thought, why can't there be countertops for children? Doña Pepa,

<sup>1</sup> Attorney-at-law Mediator. General Director of the Centre for Mediation of the Rosario Bar Association de Rosario.

the grocer, was very nice; she would lean over the counter and asked me what I wanted to buy. If she could not hear what I was saying, she would come near me and asked me again, always with a smile on her face. Those were the moments when I could not stop thinking that countertops should not be so tall. I grew up, I got taller and got to buy things without having to look up. Then I thought: "It was a matter of time." Looking back, countertops did not have to be low, since people older than me used to buy there too, my own granny included, and Doña Pepa was always nice to me. Learning and growing up made me see things differently.

That is how we frequently think about things, everything has to adapt, to accommodate to our specific needs, as if we were the only one. And we leave aside our capacity to perceive and understand others. In this perspective, knowledge and communication are two elements that, together, will enable us, mediators, to have a comprehensive and humane view of things.

### **I. The conflict**

The conflict, difference, estrangement, disagreement, problem, discussion, dispute, fight, war, clash of interests, values, actions, it does not matter the meaning or synonym we may use, the truth is that conflict uses up personal resources regardless its intensity because, one way or another, conflict affects us as individuals. Conflict expands to diverse contexts; it shows up with different intensities and durations. If it is very intense, it may block important aspects of our life and, if it continues and prolongs, we may get accustomed to it, or get exhausted by it. The world nowadays is very divided; we sometimes are involved in so many conflicts that we lose our moral, our spiritual codes. People only think of themselves, about their comfort. It is like a virus that spreads and takes over, leading to disbelief and skepticism.



## **II. What are we conveying?**

This proliferation of conflicts affects every social relationship; their impact makes people unable to solve their problems individually or at community level. As a result, communication gains importance.

We have to be convinced of what we are going to convey to contribute to a solution. We do that through mediation techniques. At mass, I heard someone saying “if anyone asks you for water and you do not have any water, you will not be able to give water; if someone asks you for food and you do not have any, you will not be able to provide it, either. We would only be able to give what we do have. If we have peace, we will convey peace; if we do not have peace, we will convey something different or nothing at all.” This angle enables us to revisit how we communicate with those who come to a mediation; we need to understand exactly what they are asking for. Sometimes, parties’ deep wishes are not described in their requirement. We have examples: family problems brought to mediation meetings without the presence of the children when any agreement or disagreement will affect those children’s lives. Parties come to a mediation meeting burdened by their own issues after divorce. Many times they are paying attention to themselves and forget about the family. In such context, we have to bring the child or the teenager to the meeting through their parents. I’d like to know your child; do you have a photo on your mobile phone? Tell me, what is he/she like? (We all have photos of our children on our mobiles). We observe parents’ narrative from their individuality, they both say “my son/daughter is...” They will of course mention the best characteristics of their child/teenager, so we have the opportunity to congratulate them. We do congratulate them and, as Daniel Bustero said, we take them to their “bragging point”.

Let’s continue talking about the child, “what do you think?” “What

is the best communication between father and son/daughter, since he/she lives with his/her mother?" In one mediation meeting I noticed the mother was concerned about saying something, so I scheduled a meeting alone with her. She mentioned her son was wetting his bed, something he did not do before the divorce, and that the father was responsible because he did not care for the boy. In a one-to-one meeting with the father, he mentioned the boy was wetting himself when in his company, something he did not do before the divorce, but did not blame the mother. In a meeting with both parents, bed wetting was discussed and different options were suggested to face the problem. I asked the parents whether they had health insurance, maybe they could be referred to a counselor; they agreed on days and ways to choose a psychologist for the boy. When leaving, the party said goodbye to the pregnant lady who had come with her son's father. That was when I understood the nub of the matter and how successful mediation had been.

A few months ago, a mediator came to me, worried because he could not reach an agreement between the parties. He said: The parties are only focused on their personal problems! When I asked the object of the mediation, he said: "Child support and a proper communication." I asked how much they talked about the boy or girl, the answer was: "I could not talk about the children because they were only focused on their couple issues." The real issue lies in communication. Everything is about communication. Non-communication does not exist, everything we do is about communication.

When we ask someone how he/she communicates with another person and the answer is "we do not communicate" because they do not talk to each other, we have to go above and beyond and see that lack of communication is a form of communication. Communicate means

sending a message to someone, but messages are not just said or written, they can be behavioural patterns that make our position explicit. The meaning of what is said lies in the listener, not in the speaker. Content is what we say, but that content is influenced by the listener. Therefore, relationships require meta communication, because they classify content.

Interpersonal relationships depend upon empathy, upon knowing how to put oneself in someone else's shoes. This results in a different relationship, where the interpersonal relation is more important than what is being said.

**Expand our knowledge broadens our understanding.** "Our capacity to see give meaning to what we see and acting on that information lies in the incredible processing capacity of our brain..."<sup>2</sup>

... Our brain does not stop establishing new connections and bolstering the old ones based on learning experiences (...) while we are learning."<sup>3</sup>

What do we see when we look? How do others see us when we mediate? A comprehensive view expands communication. Should we keep thinking that Doña Pepa's countertop should be cut and lowered? Should we keep seeing a hat instead of a common boa swallowed by an elephant as in *The Little Prince*? That is the challenge in our line of work, learning to grow as individuals. Spiritual growth, giving closure to our own conflicts, staying peaceful at work, feelings, sensations, consciousness that will be communicated to those who require our efforts.

Words, intonation, the empathy we project take parties to a meeting dimension where they can appreciate the good in the negative.

<sup>2</sup> Amy E. Herman, *Inteligencia Visual*, Ed. Plataforma Editorial, 2016, Trad. Pablo Hermida, p. 31.

<sup>3</sup> *Ibíd.*

Success, positive things in the midst of the storm.

Therefore, the Center for Mediation of the Rosario Bar Association intends to prioritize the work of mediators, organizing new training courses, new learnings, new specializations. Prioritization based on knowledge. As mediators and lawyers we cannot ignore that some issues taken to mediation are matters of public order already treated and included in international conventions and of constitutional value.

We are organizing an Active Communication Circuit with mediators registered in the Centre for Mediation of the Bar Association to improve our services, provide assistance to newly registered mediators, and bring alive the generational pact with knowledge and communication. We are setting up a Conflict Observatory in our Research Department to foster papers on the different topics linked to peaceful conflict resolution.

Thank you!!

## **The Approach to Multiculturalism in Conflicts**

*Matanyahu Englman<sup>1</sup>*

Mr. Gabriel S. Savino and Mr. Jorge A. Henn, Ombudsmen of the province of Santa Fe; Mr. Keursly Concición, Ombudsman of Curaçao; distinguished guests: I am delighted to have been given this opportunity to address this important conference and share with you the unique aspects of the work of the Ombudsman of Israel in its approach to multiculturalism when handling conflicts. I firmly believe in the importance of exchanging knowledge and experience between ombuds institutions around the world in order to learn from one another and thus optimize work practices.

In addition to my position as Ombudsman, I also serve as State Controller, auditing over 2,000 public entities that receive public funding in Israel, including government ministries, local authorities, and others.

Before I discuss multiculturalism in the handling of conflicts, I would like to address an urgent issue that has taken the forefront in recent months. I refer, of course, to the sudden and severe refugee crisis generated by the war in Ukraine.

<sup>1</sup> State Comptroller and Ombudsman of Israel.

Over 27,000 new immigrants and refugees from Ukraine have entered Israel since the outbreak of the war. The Office of the Ombudsman has taken, and continues to take, measures to reach out and assist this newly-created and vulnerable community. Our Office has conducted informational activities for new immigrants and refugees in absorption centres throughout the country.

In addition, our Office has been handling the complaints of people who have fled the war in Ukraine. An example of one such complaint is that of an Israeli citizen who was living in Ukraine with his Ukrainian wife. Upon the recent birth of their son, the Israeli citizen filed an application with the Israeli consulate in Kiev to register the child as an Israeli, a prerequisite for receiving an Israeli passport for the child and then emigrate to Israel. However, the procedure, which was in its final stages, was halted because it was necessary to vacate the consulate prior to the outbreak of the war. The complainant, who had succeeded in fleeing Ukraine with his wife and son, contacted the Israel Population and Immigration Authority and asked to complete the registration procedure, but the Authority requested different documents that the complainant was unable to provide due to the circumstances surrounding his flight from Ukraine. Following our office intervention, the Authority spoke with the Consul who received the request and consequently consented to register the child, based on the documentation at the complainant's disposal at that time.

### **Introduction**

And now, about the Ombudsman Office of Israel approach to multiculturalism in the handling of conflicts.

I am proud to belong to a state that boasts a rich variety of

ethnicities and enjoys exceptional cultural wealth.

Israeli society is extremely diverse, and comprises multifarious ethnic groups. About 75% of the country's citizens are Jews and 20% are Arabs. The Arab community includes 10% Christians, 8% Druze and 82% Muslims (14% of the Arab Muslims in Israel are Bedouin.) Each community has their own culture, customs and system of values.

I should point out that the Jewish population includes citizens who immigrated to Israel from all over the world. Over the last few decades, for example, about a million Jewish immigrants have arrived from the former Soviet Union and some 90,000 from Ethiopia.

The situation is further complicated by the fact that, within the different ethnic groups, people define themselves based in their religion. This can influence the needs and difficulties of that population. Within the Jewish population, for example, some 45% are secular, 33% traditional, 8% religious, and 10% ultra-orthodox.

While the wide diversity in the community brings with it many blessings, it also poses numerous challenges —challenges emanating from differences in cultural and religious perspectives and even in their family structure; language barriers; disparities in their access to digital services, etc.

The Office of the Ombudsman receives complaints from all the ethnic groups that make up the Israeli society. These complaints relate to a variety of conflicts, such as taxation or health issues, inconveniences, individual rights violations. The complaints are handled to assist the offended parties in the exercise of their rights.

The investigation of these complaints forces us to take into account the particular cultural customs of the ethnic group to which the complainant belongs to.

This frequently poses a dilemma for the Ombudsman who is often

required to bear in mind cultural norms that may contradict the law or the values the majority of Israeli society holds.

### **Challenges the Office of the Ombudsman faces**

I will share with you a number of challenges the Office of the Ombudsman faces in the handling of complaints involving different ethnic groups, and will provide examples of complaints investigated by the Office that illustrate our approach to multiculturalism in conflicts.

#### *a) Challenges arising from differences in family structure*

In one case, an Arab woman divorced her husband. In accordance with her community habits, she continued to live in the same compound as her former husband. This arrangement would normally disqualify her from receiving a financial benefit from the National Insurance Institute of Israel. However, in light of the special circumstances, we helped her to obtain the benefit.

#### *(b) Challenges arising from different cultural perspectives*

In another case, a man from the Bedouin community complained that his application for a work grant had been rejected by the Tax Authority on the grounds that he owned real estate that did not serve residential purposes, a prerequisite by law for receiving the grant. The complainant contended that the property was a plot of land where there was shack used by his family as their home. After investigating the complaint, the Ombudsman determined that denying the complainant's eligibility for a work grant was inconsistent with the wording and goal of the law, which aims to increase the labour force in the economy and reduce social gaps. Consequently, the Ombudsman informed the Tax Authority



that, on account of the case special individual and personal circumstances, the application for a work grant should be approved. The Tax Authority subsequently allowed the complainant to apply for work grants.

*(c) Challenges arising from language barriers*

As I mentioned earlier, over the years many new immigrants have come to Israel from all corners of the world. Many of them do not speak Hebrew —Israel official language— fluently, which frequently leads to conflicts with state agencies since the language barrier interferes with their ability to communicate with the authorities.

The Office aims, to the extent that it is possible, to let anyone approaching us speak in the language they feel comfortable with. We therefore made sure, first and foremost, to employ staff members who speak a variety of languages: Hebrew, Arabic, French, Spanish, English, Ukrainian, Amharic, Tigrinya<sup>2</sup>, and Russian. We make every effort to enable the complainant who finds it difficult to speak Hebrew to talk with whom, in our staff, speaks their language; we also make it possible for every individual to write the complaint in their language and send it for translation into Hebrew by professional translators.

We have recently employed two Amharic-speaking lawyers. After these lawyers disseminated their employment in the community of Ethiopians, rumour spread that there were Amharic-speaking lawyers in the Office who could receive complaints. Within no time, there was a surge in the number of complaints from this community; Ethiopians came to our reception desk and asked to speak specifically with the lawyers.

Of course, the need to overcome the language barrier is also

<sup>2</sup> Languages spoken by Ethiopian communities.

important and relevant for the public agencies against which the complaints are filed.

An example is the complaint filed against a public housing company for requiring an Arabic-speaking tenant —the complainant— to sign a form written in Hebrew. The form gave consent for a company investigator to come to her home. When the complainant refused to sign the form, her request for public housing was rejected on the grounds of lack of cooperation. Following our office investigation, the Ministry of Construction and Housing decided that the consent form would from then on also be in Arabic. Furthermore, the complainant was allowed to refile her application for public housing. At a later stage, an investigator came to her house with a consent form in Arabic.

Another example: the Office of the Ombudsman intervention led to the cancellation of a woman's municipal debt. The woman had emigrated from Ethiopia and was living under poor socio-economic conditions; the debts in question had increased since she had not handled them because Hebrew was difficult for her.

*(d) Challenges relating to different religious customs*

The Office receives many complaints reflecting the challenges that emerge from people who practice different religions. I will shortly give an example of such complaints when I talk about mediation.

*(e) Difficulties emerging from unequal access to technology (Covid 19)*

I wish to point out that even during the Covid-19 crisis, the Office of the Ombudsman laid special emphasis on investigating complaints from different ethnic and religious groups. The ultra-orthodox Jewish community, for example, does not use Internet or smart phones, which

presents difficulties that heightened during the Covid-19 crisis.

Within this context, we favoured the extension of students' registration deadline in special education institutions in the ultra-orthodox Jewish community. Sometimes, due to the Covid-19 crisis, kindergarten teachers who did not have a computer at home, had no access to a computer and were therefore unable to type in the information of those children they were recommending for placement in special education facilities.

We also assisted non-citizen residents to register in the government computerized system. These residents did not have an identity number and were therefore unable to register for a government financial aid programme, even though they were paying taxes in Israel. Our intervention enabled them to exercise their right to receive a financial benefit for their business, because their income had decreased as a result of the coronavirus crisis.

### **Methods for investigating culturally sensitive complaints**

The sensitivity surrounding the various ethnic and religious groups' cultural customs is also likely to influence the measures taken to handle conflicts. Over the years, the Office has been making increasing use of mediation when handling particularly sensitive complaints, including those of different ethnic groups.

For example, the Office of the Ombudsman investigated a number of complaints about how loud the muezzin calls coming from the mosques are as well as the signals from the synagogues that mark the entrance of the Sabbath.

Mediation helped the parties involved, that is, the citizen, the house of prayer representatives and the local authority that is supposed

to supervise the area —sometimes with the cooperation of the police— to reach different agreements and develop direct and beneficial dialogue among themselves.

On-site inspections are also an important means for solving conflicts, particularly those that relate to ethnic groups living in the periphery. These inspections enable the investigator to understand complex situations. They are an adequate means to investigate the complaints made by ethnic minorities.

For example, following the complaint of an Arab citizen, I visited the city of Nazareth with members of the investigating team. In another case, I visited a Bedouin settlement in the south of the country. These visits contributed both to the investigation of the specific complaint and to the building of trust between the locals and the Ombudsman.

### **Enhancing access to the Office for different populations**

We have taken extensive measures to increase public accessibility to the Office of the Ombudsman. Emphasis has been on different communities, including ethnic minorities. For instance, the opening of regional offices in the periphery, in places where most of the minority groups live, plus the provision of services in a variety of languages, including Arabic, Russian, Amharic, and English.

Our Office's publications take into account the characteristics of the different populations and look for appropriate ways of disseminating information about our activities and the services we provide.

To this end, our Office made the effort to publish and distribute information pamphlets in five different languages: Hebrew, Arabic, Russian, Amharic, and English. These pamphlets have also been distributed to social organizations that assist the different communities.

Our Office has also started a publicity campaign in Arabic intended to reach the Arab population in Israel: press releases and interviews with the Office are streamed in the media –radio and television interviews, articles in the written press.

Via local welfare bureaus and other relevant agencies, our Office organizes outreach activities in the social and geographical periphery of Israel.

Let me also tell you about a project that the Office of the Ombudsman has called “*The Ombudsman in the Community*.” This project involves unique cooperation between the Office and various social organizations throughout the country that focus on citizens’ rights.

In the context of this project, a team of lawyers from the Office receives the complainants in those organizations’ venues. The aim is to help those who have turned to those organizations to exercise their rights –rights that have been violated by state authorities (including government ministries, local authorities and government corporations.) This project focuses on the populations living in the social and geographic periphery, including the nuclei of ethnic minorities in the Arab neighbourhoods of Jerusalem, Nazareth, and Um El Fahem.

**The Office of the Ombudsman sets a personal example by integrating employees from diverse populations**

A significant part of the Office of the Ombudsman’s success lies in the assistance provided to the diverse populations by staff members who come from all sectors of the Israeli society.

The reason for this is found in the priority given to employing staff from underrepresented populations in Israeli public service.

This policy is based on an understanding that diversity in the

Office is important and on the belief that Ombuds must set a personal example.

To promote diversity and tolerance, a senior staff member of our Office serves as Commissioner for Equality and Employment Diversity of Human Capital and Equalization of Opportunities for People with Disabilities.

Furthermore, following a conference on multiculturalism organized by the Office of the Ombudsman for its staff, our Office recently organized a workshop on multiculturalism to recognize its challenges and give our staff the tools to investigate complaints and to communicate with complainants from different backgrounds while paying attention to the multicultural aspects of Israeli society and minorities' cultural sensitivity. It is equally important to raise our staff awareness on their own potential cultural biases, to avoid the influence these biases may place on the investigation of complaints.

Last year, an Arab-language course was launched for our staff that was overwhelmingly well received. We also held an exhibition of Ethiopian artists' works in the Office lobby.

### **Summary and closing remarks**

Israel is a multi-cultural state and as such, the Office of the Ombudsman that I head, directed by Esther Ben-Haim and her dedicated staff, must take innovative actions to enhance the access to the services we provide for the multifarious populations, including different ethnic groups. We are also obligated to adapt our work methods and decision-making process to the diverse communities in Israel, according to their culture and customs.

Improving the tools we resort to in the handling of complaints,

help us serve not only the special populations but also the public at large.

The duty to take care of others was imposed upon us by the Old Testament in the Book of Leviticus, Chapter 19, Verse 18, which ordains: *Love thy Neighbor as Thyself*, a commandment that is a fundamental decree of Judaism, and of other religions.

As Ombudsman, I believe that it is our task not only to solve the problems of people whose ability to exercise their rights is restricted by language barriers or cultural misunderstandings, but also to promote tolerance and acceptance within the public at large; to appreciate the beauty of multiculturalism and protect its special texture. And I really believe that peer learning between Ombudsmen from across the globe is of great importance.

I wish to thank this congress organizers and all the participants; also, to express my hopes for good health for all the people of the world.

Thank you for your attention!





## **Kai Frithjof Jacobsen talk at the International Mediation Congress**

Good morning. This is going to be a very interesting experience. I am here, speaking English but the voice coming out of the speakers is an Argentinean woman speaking Spanish. She is interpreting everything I say to avoid any misunderstandings.

I'd like to start by saying thank you. Thank you to those who have been working for the past 30 years in this pioneer institution, the Ombudsman Office, here, in Rosario. Thank you to those who are here in the audience with us, in this room, to those online committed to this work in different manners, committed to stop violence, to prevent violence, to resolve conflicts and work on the impact that conflicts have in our communities, in our people, and our world.

I believe I am privileged to be here with you, especially now, when many of us look around and see what is going on in the world, we see so many conflicts. I am talking about the war in Ukraine, or the endless, ongoing war in Afghanistan, Syria, Mali, Congo, Ethiopia, Libya, Yemen, so many places in the world that are not just names of countries but places where people live, where people's lives are impacted by war, by violence;

people are badly affected in a very personal level and also on a much broader social level. Even here, in Argentina, in this beautiful country that has such a rich history, culture and people. Since I have landed and found your wonderful friendliness, met with so many different people, I have also been listening and asking people how they feel about the situation in the country. A few days ago, in one of my first days here, in Rosario, I asked someone how he sees Argentina today and, the first thing he said, without even thinking was: hopeless.

I believe there is much more to it than that but this person's answer reflects a feeling, an experience that many of us are having around the world. We see many challenges, many crisis. Today, I hope I will show you that we also have the incredible capacity to address the problem. I believe —everyone in the audience and all those online know —

There are people working at different levels from here, in Rosario, in Ukraine and in many communities around the world trying to address conflicts. I would like to invite you all to be part of this work. I am going to tell you about this —and I am going to talk a lot— because I want to cover material that takes hours, whole days, in only one hour. I also want to invite you all, if you have some paper to write on, a notebook, a tablet, anything, invite you to ask yourself, to talk from your experience, your imagination, to think how we can address some of the challenges we are going to discuss today.

One simple question before we start: Is there anyone in this audience or online who has never had a conflict?

Don't be shy!!! I have asked this question to thousands of people in more than 100 countries across the world.

I have never encountered one person who has never been involved in a conflict. If you can honestly say you have not, I want you tonight on CNN.

All of us who work in mediation, arbitration, this is what we see, this is what I was told yesterday: “Conflict is a normal thing.” It does not matter where we were born, how old we are, our policies, our gender, all of us have conflicts.... It does not mean we always handle them the right way. Sometimes we do it the right way, sometimes we handle conflicts very wrongly... I suggest that part of this wonderful Congress is the opportunity to think, all of us, in a practical way and, based on our joint experience, work to appreciate everything that has been achieved in these past 30 years. Also, to understand, to learn where we are today, what we are hoping for in the future and ask ourselves how we can improve, address conflicts and violence the best way possible.

Yesterday, in an online presentation, the speaker suggested a model from 1990: adjudication, negotiation, arbitration, mediation and reconciliation. I know that when this graphic is shown, it was presented in 1995, but now we can show it in a more attractive, a nicer way.

This is the same model but when this approach spectrum to conflict was introduced, the iPhone had not even been created. This model is not adequate in present times, it is not enough. These are significant fields and the graphic shows different approaches in each field. It is the smallest part of any effective approach to conflicts.

People say we focus on solutions, but that we do not understand the conflict, that we are always looking for the scalpel, the stethoscope, the thermometer, and this is not a medical field. Today we have medical innovations, wonderful new technologies. Medicine is a huge field. We have surgeries, and other specialties such as dentistry, etc.

You see all these people jogging in the morning, you know we have sports for children, for adults. We know that our approach to medicine and health care is not just a surgeon with a scalpel or a physician, we can all learn

the abilities and tools to live healthy lives. We have amazing innovations in medicine, in health care, in new hospital that are being built.

If you check how much money corruption costs in Argentina... Several hospitals may be built with that money... It is not only to have the money, but to use it properly.

We are inventing watches that can monitor much more than doctors in their offices. We are starting to digitalize health care, doctors collaborate, one in Congo, one in Norway can be performing a surgery together. Medicine is innovating faster that we could have imagined 15 years ago, and we are doing much more. Now we understand that when we see or think about wellbeing and health, we do not just see or think of a person who feels sick, we are not only training doctors and nurses... we are working with the government, we are using a community approach, looking for city models that provide healthier cities, cities for people, healthy communities with healthy activities, we are making our environment, the air we breathe more sustainable, we are planning health care, planning cities.

I've been talking to some colleagues from the Ombudsman Office and one of the things they have mentioned is that Argentina has no reliable data, no statistics, no accurate information about anything. We know it is important to have a clear picture of reality, of people's experiences, to collect data... A citizen's approach to health care implies a multisectoral commitment. For many years, health care focused on doctors... doctors were never questioned, in many countries, doctors were men, there were no women doctors... for many years. Doctors were considered to be the experts... Patients' rights were but a few... We have to understand that doctors did not know much, that many times, medicine and medical practice were making the situation worse.

Only in the 90's we started to see evidence-based medicine, which resulted in a significant change. The current approach to human wellbeing does not only focus on doctors, it also involves urban planners, public policies, teachers, budgets, families, how children are raised, educated, what they eat... Citizens have been empowered... A modern approach is the basis .... We know that the affected citizen, people, communities are those who should play a key role and have to take ownership of their own health and wellbeing.

Besides, it is interesting to think why it is so difficult to make it work... What are the obstacles? What challenge prevents the implementation of these models? Many things... It can be the influence of urban developers because they make a lot of money and do not want to change; it could be the inertia of different state officials very used to work in a certain way... they have been trained that way, their salaries are not great and they do not want to change. There is also ignorance, illiteracy in government, in decision-making... Someone elected to a position is not forced to have studied and know about public health. This was most evident recently when some presidents from different countries recommended people to drink chlorine —which can kill us— to face COVID-19. It is just an example of the intelligence and knowledge gap. Plans, people can be inconsistent... projects get started, implemented but do not link to each other... There can be political interference... And this is just one part of it all. Now: Why is it that in a global conference, in an event like this one about peace keeping I have been talking about public health for the last ten minutes? There is a lot we can learn from other fields; from the way they have addressed change. It is interesting because fields of action connect. We've seen, for example, evidence-based practices in Brazil and in other places; when improvements are made in the health system of

violence-affected communities, armed violence is reduced. We have also seen that planning is possible, that there can be urban planning and that it can help improve mental health, wellbeing and also reduce the impact of violence. This can be done. We can keep talking about this. Those who collect data, who plan cities rarely have Ombudsman Office's staff working with them... It is something that has not been done but, when you use a peace-keeping comprehensive approach, working together is essential. There's evidence showing that such collaboration is powerful. If we take a step back and think about what has been the most distinctive feature of human life, of human development, it was not penicillin, hospitals, surgeons or antibiotics. It was clean water, as the WHO has pointed out. Clean water was responsible for 90% of life expectancy increase. So, let me ask you to think about conflicts in your countries, in your communities... What will be clean water in your case? What will be the clean, safe water that would help address conflicts and consolidate peace? We have to think beyond the scalpel.

I totally agree with Raul; we need to understand global conflict, understand that many times, we approach conflict from an incorrect perspective. Our understanding of conflict many times is not enough. We can see the war in Irak and Afghanistan, the CIA, the Pentagon... After 10 years of war, when they assessed the impact of US interventions, do you know what they realized? They became aware of something anyone in this planet could have said: war made everything worse: terrorism was on the rise worldwide; the war had fueled terrorism and had destroyed entire countries, had caused million deaths, had displaced millions. The solutions offered many times made things worse. We have to think how to understand peace building and conflict handling. We have to think how to address peace building. We have to think about conflict prevention,

violence prevention. Think what capacities, what tools, skills, and perspectives we have to attain that goal.

Therefore, let me invite you to think how we can innovate and build peace. An experience that inspires me to stay within the field of medicine is what was called the “*dream team*” approach. This was 20 years ago, trying to find a cure for cancer. Before, each team working on cancer was working independently. Experts working on different areas, breast cancer, abdominal cancer, many times had no idea what other teams were doing. Many times they were working on different areas, sometimes they were not. Knowledge was compartmentalized, divided.

Three women, Laura Ziskin who died shortly after, in 2008; Katie Couric, one of the most famous US journalists; Sherry Lansing, a Paramount producer and director; they all got cancer and, as cancer survivors... Unfortunately, Katie’s husband died of cancer. They were citizens, people affected by the disease who realized that current practices were not working. They achieved something not everyone has the chance or the access to achieve. They raised millions of dollars to put together a dream team. They assembled teams, medical experts, people working on different fields started to work together.

Innovation came to happen 90% faster, a new solution in a new practice.

I was very inspired yesterday by Raul Soler, by that he said in his introduction, by the vice governor words. He talked about the city for peace. Please, let me ask you to think what the city for peace means in Rosario. Think about how it would be like to draft, to develop a program for Rosario to become the city of peace. What does it take to attain that? For example, what would it be like to have peace education in every school?

I’d like to ask you, how many of you are studying and have studied

math in primary school? Did you have a math class? How many of you learn basic health stuff at school, from your parents: how to wash your hands before and after a meal, how to use the toilet, how to brush your teeth in the morning and before going to bed? We do learn basic hygiene. It does not mean we are all going to become Albert Einstein, a math expert. It does not mean either that each one of us is going to become a surgeon, but we do know it is important to learn these skills to be an active citizen, they are life skills. We also train other experts, more advanced learning. Every year, the Davos World Forum discusses the evolution of world economy, and has identified the main competences that will be needed in the upcoming years. These are the things we are told that we have to learn today. Have you ever seen this list? You can go to Google. Do you know what is in the list? Creativity, problem solving, resilience, collaboration, team work, initiative, and other competencies that can be learned and trained, that are at the centre of peace education.

It is interesting to see that no schools teach them. Children would also benefit from learning a mediation between peers' programme, include not only peace education but also to empower children, have them practice conflict resolution skills, empathy, healthy communication. It is important to remember that you do not develop skills or learn anything but simply watching a Power Point. Football is very popular in this country, isn't it? And Messi, of course. Have Messi learnt to play football watching a Power Point? No. People learn by experimenting, by doing, training, by being coached. It is so in every field. So, if you want to develop the competencies, the skills required to resolve conflicts efficiently, you need to practice them.

Now, let's go back to the question I asked when I started this talk. How many of us have been involved in conflicts? I could have started by



asking, how many of us are in a relationship? Is anyone here married? Anyone living with someone? Any of you has a brother, a sister? Have you grown up with them? Do you work in an office or with colleagues? Do you have children? Most of us have or have had parents. So, if any of these situations fit you, there are conflicts. In each and every one of these situations we can learn better ways to handle conflicts. It is like when we train the police, the security forces. From a citizens' perspective for peace, how should we train the police? Which should they practice? What are the models they should follow to address different situations? Do they have an early alert system?

Where can the conditions, the situations that trigger violence be identified? They need to be used before violence comes up. Is there a participatory budget? There are thousands of ways to build a participatory budget, one very corrupt and evil and one that is very efficient. We have seen that when the participatory budget is properly done, when citizens and communities take an active part in the decision-making, in setting priorities, there is less corruption, better allocation of expenses, in infrastructures, in education, and less violence.

From a peace keeping perspective, we can think of auditing the municipal, the provincial budget; audit the legislative branch and check where the budget has increased inequalities and therefore, led to violence instead of improving conflict solving solutions. Does this make sense to you? Do you find it interesting? Ok. It is one of the basic ideas I am discussing here. Remember that yesterday, Raul said that everything is very fast today, and much more complex. Thirty years ago there was a number of topics that we could learn, a number of professions, but now, there are many more.

We are now seeing that there is an incredible amount of innovation in society, in life. And it is faster and faster, and more complex. It is

also more plural, there are many more spaces where people can find a profession. There is not a limited number as before. We are living in a world where there is more innovation, more freedom, more culture, more scientific and technological creativity than ever before in human history.

So, when people look back and says “I wish I had lived in Renaissance times, in the Age of Enlightenment,” what are they saying? Why? We have more innovation on a daily basis than the innovation human kind has witnessed in centuries. Today, there are more children in school than ever before in human history. And, most importantly, more girls in school. There are more people who vote and participate in government decisions... And we face big problems with that. We see that democracy is suffering, is being affected, there are many challenges.

One of the things I like doing in events like this one or at dinner with friends is asking people to think about those you know that are in government, presidents of the world, and then think about the people you know. Can you think of ten people who can do a better job than those presidents or politicians?

Yes, we do have elections, but the political parties system is not very efficient today. We frequently do not vote for those that have the best skills, but for those who are part of the parties system. And our governance model, our decision-making model can be really improved. If we support peace keeping, with our practical experience of mediation, how would you innovate governance at the city or local level? Mediators may help when political parties discuss topics that affect citizens.

There has been great advances in medicine. My grandmother died sixty years ago from a disease that today has a cure. Look at this image of a girl writing. She is benefiting from a technology that involves planting two elements with a plant and create electricity to light up a lamp. I have no

idea how it works. I believe it is incredible because in places where there is no electricity, people can have light! While this does not mean much to you, because you have power, for those who have not, the difference is huge.

Now we can understand DNA which is leading to amazing innovations.

This image shows one of the most wonderful innovations in physics, do you know what this is? It is the collider, a particle accelerator, the largest and most powerful in the world. It is amazing; thousands of millions of euros were spent to build it. Thousands of scientists and engineers worked to build it when they did not even know whether it was going to work. This particle accelerator is one of the largest projects in human history, and it was not certain it would work. Luckily, it did work. In the past few weeks, it has made incredible discoveries. This tells me that we, human beings, have a huge capacity to innovate, create, imagine. And we do it every day.

These are the new buses that will start running in China. Hundreds of people can ride them. They go over traffic to help reduce traffic congestion. This is a new BMW car. It has no wheels.

This girl's arm is artificial. Artificial arms used to be very heavy, very uncomfortable but now, they are made by 3D printing. These arms are connected to people's nervous system. This girl was born with only one hand. Now, she puts on this artificial limb and minutes after she can throw a ball to kick off a baseball match for the first time in her life.

Singapore is a model city. I have a friend who lives there. There are no carbon emissions and pollution is absorbed. I mean, we are innovating, creating. These are extraordinary times to be alive. But that is not everything we are doing. Let me now talk about the challenges we are facing.

This was the most powerful bomb human kind has ever dropped. The US dropped it in Afghanistan a few years ago. In the 70's, the 80's, and

the 90's nuclear tests were being made and people were protesting against all over the world.

When this bomb was dropped, nobody knew. Our political system, our decision-making system has organized pollution, has systematically destroyed the environment. A large number of people live in dire poverty. I live in one of the richest cities in Rumania; this picture was taken outside that city, and in other parts of the world.

There are homeless people who live in Atlanta, Georgia, one of the richest cities in the world. They are almost all war veterans; many have fought in Irak and Afghanistan. And this is one of the many houses that Donald Trump owns. It is practically foiled in gold.

We have a financial crisis, a system that is constantly creating instability. And there are eight men richer than 4 billion people together. Four million, it is huge. Tax evasion is also huge.

We are generating wealth, but the richest 1% are evading taxes worldwide. There was a World Economic Forum meeting where this man, a very well-known author, asked why are we meeting to discuss these issues when we are not ignoring that firefighters have no water in their hoses.

One can talk a lot in events, in congresses, but we have to take the necessary resources, the money to invest in urban development. We have the money to invest in good schools, to ensure access to good nutrition for all children, to good health, to everything they need to grow. We have the money to do whatever we want. But no, we cannot use it, because our global financial system leaks money to other places. And our education system is beset by a wide range of challenges: many public schools lack the resources they need. Affluent citizens can send their children to private schools which reinforces inequities in educational opportunities. Journalists that dared investigate the financial system have been killed.

This happened in Europe, in Bulgaria, this was in Slovakia, his girlfriend, his fiancé, one of the most famous journalist, in Malta, all of them murdered. And the Prime Minister, under investigation, was somehow involved. He turned on the car in the morning and blew up in the air. We are facing challenges in agriculture due to extreme weather and war. Due to the war in Ukraine, the sanctions imposed on Russia... food and oil prices have increased by 20/30% in many countries. Such price increases have created more instability; people are facing more difficulties. Do you remember the Arab spring? The harvest in Russia had failed; it was a significant factor in the Arab spring. The paramilitar armed groups originated in the 50's have disappeared but are now returning to the world arena. More and more battle fields inside the cities, because of the war, of drug dealing, police violence is on the rise too. Victims, murders, killings in the cities.

This shows the number of people, of soldiers killed in battle. The yellow part are civilians killed in the war. (He shows images) Indirect deaths due to armed conflicts. People who die at war, victims not of the bullets but of the lack of food, medicines, shelter. This is the number of people who die, every day, due to conflicts similar to those Rosario is going through.

These are areas in countries that are not at war but are suffering terrible violence from drug dealing, armed gangs, police violence. Forty years ago I could walk around in Mexico City in the evening. Today that is not possible. We have to acknowledge the impact that violence is having on our communities. Furthermore, more women die in their homes, murdered by their husbands or acquaintances, than people in war zones. And more people commit suicide than those who die at war and armed conflicts together. This is what I refer to when I talk about conflict and peace keeping. I am talking about how we address these issues. Because the impact on human kind is huge. War, the economy, inequalities,

disruptions. I do not know if you can see this boy's face. Nobody should be so scared, know such fear. This is one of the most famous photographs of the past 50 years.



This was Aylan Kurdi, a little boy whose parents wanted to take to a safer place, to give him a better life. His aunt asked us to show this photograph, can you see it? I am a father; I have a son. I have had a wonderful life. I never enjoyed life more than after my children were born. In my city, in our cities there are playgrounds where children can play. These are the faces I see when children are happy, so much joy that it does not fit in their bodies. They cannot keep all that happiness inside.



This is a photograph of Aylan Kurdi when his parents were playing with him, before the journey, when their country, that in 2011 was recognized by the United Nations as one of the most thriving, one that was meeting the millennium goals, before war broke out in Syria. Aylan is wearing the same clothes in both photographs. His parents wanted him to feel good during the journey and thus dressed him with his favourite clothes. I mean that violence in Rosario, war in Syria, in Ukraine... War and violence do not just happen. They result from conflicts, from situations, from choices we make. How we spend our resources, what we invest to resolve conflicts. More and more young people become radicalized, youth combatants. In the US, the military go to schools to recruit young people. Are there girls and boys scouts in Argentina? The US have a scout programme developed jointly with the Department of Defense to train boys and girls in anti-terrorism techniques. We have changed our policing models. The police is now militarized. Governing with a firm hand, more punitivism, the tightening up of laws are ideas on the rise in many countries. But we do not see any reduction in the number of crimes, in drug trafficking ... Violence is on the rise and cities are turning into urban battle fields. More money is being spent on war. Today, more money is spent than during cold war. The economic impact is huge, and I can talk a lot about this topic.

We need to see how we get organized, what we have to make more visible, check the impact on our communities. School drop-out rate in Argentina is very high. People emigrate because they feel there is no political or economic stability here, they do not see opportunities. The economic impact of armed violence in cities, in Argentina. This radicalization is on the rise, everywhere.

Now we see women fighting for their rights. Efforts are being

made; global trade is very affected. Urban planning is thought in the short term, not in the long term. We can discuss so many more topics... Meanwhile, the world population keeps increasing. That is not a problem in itself, more people on the planet is not an issue, the issue is how we live in this planet, how we coexist.

So, I've showed you positive things and challenges. And the impact everything has on us. The COVID-19 pandemic triggered an increased prevalence of anxiety, stress, and depression. This was a global study on young people and children, but I think its findings also apply to us, older adults. This is the global risk analysis from the World Economic Forum. They produce reports and documents about the challenges and issues of the global economy. They survey companies, analysts, politicians, experts, ask them about the future, and, as Raul said yesterday, about the challenges we face here, in Rosario, and elsewhere across the world. Challenges are complex. They are multi-dimensional, multi-causal, dynamic, they change constantly. They are interconnected.

Governments are getting more and more authoritarian; liberties are being affected. Democracy is facing challenges... Ukraine has been invaded... we may be at the verge of a global confrontation... NATO and Russia military spending is on the rise. The war in Ukraine is impacting oil and food prices, which will impact on political stability —many countries are already facing social instability. Problems are interconnected and feed themselves. Problems are self-reinforcing. Is this making any sense? When we see the challenges we face every day, our current paradigms are not enough. Working apart from each other does not work anymore. There is more creativity, more skills than ever before in many fields...there is need to bring them together to find ways to face current challenges. Current challenges, as outlined by a study conducted by an institution



in Stockholm, are existential risks. They are affecting our capacity to survive. For many years, there were fewer wars in the world. Since 2014, there are more wars, every year. Since 2016, more people have died at war than ever before. \$2,113,000,000,000 is the world military spending and it keeps increasing. That is how much we spend on war. Two trillion dollars. That is the official figure. It does not include mercenaries engaged in conflicts or the security forces. It is just what the world spends on wars.

Attain the most ambitious UN sustainable development goals would cost between five and seven trillion dollars. Eliminate poverty, guarantee education for all, from primary school to a master's degree. Make big progress in reducing child mortality, end soil erosion. The figure I mentioned is realistic: 5 to 7 trillion. This is how much we can invest to be safe. This is what we were told is a naive ideal. And the money hidden every year in fiscal paradises is 21 to 32 trillion dollars.

The peace environment report issued a few weeks ago states that, from 2010 to 2020, armed conflicts have roughly doubled, as did the number of conflict deaths. The number of refugees and other forcibly displaced people has also doubled in the past ten years. And the number of nuclear warheads has also doubled.

Extinction is ten to one hundred times faster than it would without human influence. About 25% of species are currently at risk of extinction. It is impressive. The most mortal animal on Earth is us, humans. The most dangerous animal for a woman is a man. The most dangerous animal for a man is another man. The number of all wild mammals combined has shrunk to one sixth of what it used to be in the past 45 years. It is a concern to see that insects, pollinators are also decreasing. Try to have a harvest without pollinators. Can I ask you whether your governments are doing their best to solve these problems? Are you confident that your

governments are doing their best? The world has empowered old people, racists, chauvinists, corrupted, misogynous people. The campaign motto of the politician who has just left office in the Philippines was “let’s kill one thousand people.” Another candidate showed journalists a rifle at a press conference. And we can mention many other incidents but I will briefly refer to Rebecca D. Costa’s book, *The Watchman’s Rattle*. When you ask yourself, how is it that great civilizations in human history, the Mayas, the Aztecs, the Chinese, the Roman Empire, the British, the French Empires, the soviets, the American, etc... collapsed or are about to collapse? This is a picture of a great civilization because of their culture, economy, political organization, knowledge development... However, it collapsed. Academics, people are studying why they have collapsed. Some say environmental factors, overpopulation, constant wars, disease, politics, food or power shortage led these civilizations to collapse. Rebecca D. Costa insists that knowing why is important. In most cases, collapse was not due to one factor but to many. Some factors were more important than others, sometimes. She says that when we ask ourselves why, maybe we are not asking another equally important question: Why didn’t they avoid it? Because we know the problems. Why don’t we solve them? And she uses this story of water lilies: if there is one water lily, the lily pad will grow exponentially and cover the entire pond, there will be two, four, sixteen plants. One day, the pond looks beautiful, but the next day, the crisis suffocated the pond. She uses another story, a watchman whose work was to ring the alarm when cattle were being robbed, when there was a fire to wake citizens up to manage the problem, solve it.

Today, when we have to address conflicts efficiently, many times we lack the knowledge, the understanding, the proper tools, narratives and mental models to do it. We lack the organizations, the movements,

the institutions, the skills we need to handle problems the right way. We lack strategic alliances and partnerships, collaboration many times fail or are not there when they are needed to handle a crisis, a conflict.

I can talk about VUCA, a military term that refers to volatility, to sharing things... This shows how inefficient our models are to deal with global conflicts. This shows some mediation problems, do you know who this is? (There is a photo of a man) Why do many mediations fail?

Not because the conflict is a difficult one, not because the parties are difficult people, many times due to ignorance, arrogance, partial ideas, helplessness, rush, inflexibility, false promises made by the mediator. So, peace keeping, peace building requires an expertise that is becoming very important, that is conflict mapping. It may help make Rosario a city of peace. I ask again, what would you do to make Rosario a city of peace? We have to discuss peace mapping and analysis, see what we are doing to keep peace, how it works. I love the eight areas Raul suggested yesterday, some work, some have worked for 25 years, but never take a Western academic model as the only possible because, actually, we are 50 years ahead of that. Despite the work to understand conflict roots, conflicts are on the rise, that is, conflicts have moved forward faster than our models to face them. There are governance issues, human rights, justice rights, gender rights, internal security approaches, resource management issues... All factors that impact on conflicts. We can assess elements, do mapping, profile peace, how we are addressing issues today, see what works, what does not work, how we can improve, see the different dimensions of conflict, how to approach them, the factors behind gang violence, what provokes them, different approaches (he shows a power point) This is how security forces address conflicts, their programmes. I'd like you to see what we know as health-based approaches. Let me fast forward. Because there are

comprehensive approaches. I mean, the work of institutions such as the Ombudsman Office, is important. It has been a very significant innovation and still is. However, when we see how to address conflicts and violence, we need institutions like the Ombudsman Office, it is as needed as hospitals, but we need more. These are some options to address violence, examples based on a process Norway has been using: mediators, ombuds, the police, health workers, community organizations, youth groups, parents' groups, get together and discuss how to address violence. They are asked, what is your experience? What problems are they facing? How do they analyze them? What are their work methods? What approaches are they using? What is working? What is not working? Everyone was asked this question once: What are the MOST IMPORTANT things to be done to reduce armed violence? An idea was implemented many more times than others; increase safe and stable relations that can feed children, their parents and their caregivers. Yet another factor was the need to transform cultural ideas about manhood, a very important step to reduce violence.

We are living extraordinary times. Our world, our society is facing challenges but we have the incredible capacity to generate solutions, not individually, but TOGETHER. Peace building needs solutions, not only a scalpel. It is a very large, very rich field, just like medicine. We can do something, we can support the work, work together, learn from each other, that is why we are **here, today**.

Thank you.

**Kai Frithjof Jacobsen**

President of the Romanian Institute for Peace (PRATIR)

## **Section III**

*Mediation cases*



## Facilitation in an Environmental Conflict

*Facilitators: María Eugenia Risso and Leticia Taulamet*

In 2017, a group of neighbours from a town near the city of Santa Fe made a complaint to the Health, Disability and Environment Department of the North Area Ombudsman Office of the province of Santa Fe. They wanted the Office to consider the *alleged contamination* caused by an industrial facility about to expand; neighbours were afraid that pollution would increase.

The facility processes refined bovine fats and meat and bone meal. The facility does not process toxic substances but does bother and concern neighbours because of the fumes, odours and liquids. It is a company that provides necessary and important services, since it treats the waste from nearby meat processing plants. Otherwise, this waste would create a major environmental problem. The company located there long before neighbours came to live nearby —as it is the case with many industrial facilities. Population growth caused the facility to be inside an urban area heavily developed in the last decade thanks to the proliferation of Procrear loans<sup>1</sup>.

<sup>1</sup> Procrear is a federal program that gives access to a first home

The Health, Disability and Environment Department notified the Santa Fe Secretary of the Environment, and the Municipal Secretaries of Urban Planning and of the Environment and requested information about the industrial premises current status and the environmental compliance report. Furthermore, after a meeting with the Ombudsman Office Environment Department, counsellors, and businessmen, the neighbours requested the intervention of the **General Directorate for Mediation and Conflict Resolution of the Ombudsman Office**. A team of mediators and facilitators was set up.

When the team started studying the situation, they mapped the location, a task that required asking for advice, order data and devise a data collection system to conduct a detailed assessment review. This was a complicated conflict, not only due to the large number of parties involved (multiple parties from public and private departments and entities) but also because of the broad and entangled interests and needs the company and the neighbours had. And the conflict was already escalating. In view of the participants' willingness and the pace at which the conflict was escalating, part of the team realized that a facilitation process was the most appropriate tool.

Thus, it was decided to begin a series of private interviews, previously negotiated by phone, with each participant, to gather information related to their perceptions, interests, and needs.

The facilitation process made significant progress: there were joint technical meetings to discuss the works plan, the task schedule, and the time line. These meetings were monitored by the provincial Ministry of the Environment. All the participants were well predisposed, a basic pillar to reach a solution at everyone's satisfaction. Cooperative planning set the basis for the facilitation development and sustainability. Mediators and



facilitators worked constantly in contact with the team, discussing the concerns and needs of those involved, consulting and contributing ideas to establish an effective communication and carry out a fruitful work.

In the final stage, efforts focused on building ties between the company and the neighbours, since once the facilitation came to an end, they would continue to share the public space; bases for adequate coexistence were needed.

The parties held a *very productive meeting* that led to a respectful and constructive dialogue between them, with many proposals for future *joint work*. The trust built through the facilitation process was highlighted; the mediators did not have to intervene in this last meeting, which represents one of the **most desired and sought for goals** in any conflict resolution process.

Facilitation and mediation spaces focus on listening to the voices of all those involved, since full and inclusive participation is of the utmost importance.



## From Requesting Child Support to a Father Visiting his Daughter

*Mediators: María Eugenia Risso and Gladys Rovey*

This was a mediation where a woman requested child support for her daughter, an 11-year old girl.

The first meeting was attended by both parents. The mother was heard first, then the father. They jointly agreed to a solution.

The father committed to deposit a certain amount of money every fifteen days, in the mother's bank account. It is important to note that, to be certain that the deposit will be made, the economic resources and the personal and employment reality of the father were considered, analyzed and assessed. This agreement led to discuss visitation rights and the emotional issues the daughter was having, something not included in the mediation request. Nevertheless, both parties agreed to discuss the matter. The father agreed and committed to visit his daughter in the winter and summer holidays (the father resides in a different city). He will collect the girl from her home.

Besides, both parents agreed to seek counseling to better their relationship. It is worth mentioning and valuing that this was achieved during the mediation because it helped them understand the need to

improve their intra and interpersonal relation.

We believe that the decision to deal with their issues was fostered by mediators, who could *build trust between the parties*. Mediators used tools such as active listening, respect and legitimation.

The agreement was drafted and signed.

Mediators followed up the case by phone a month and a half later.

Once they noted the agreement was being complied with to the satisfaction of both parents, the case was closed and filed.

## **Arson Threat to School.**

### **How to put out a fire through mediation**

*Mediator: Dr. Victor Jaef*

At 8:00 a.m. on a cold August morning, the Ombudsman Office received a desperate, urgent call from a school located in Rosario periphery, attended by a large number of students. 4th and 5th year high school students had tried to put fire to a school restroom. The principal had had a wrong timing reaction and had suspended all the boys of the four classes in question, for a month. As a consequence, the students started a rebellion and threatened to burn down the entire school. The Ombudsman Office was called and asked to intervene.

When we arrived at the school, we found the entire neighbourhood in a commotion. Inside the school there was practically a mutiny, as described by one of the teachers. A large number of police patrol cars were outside the school, as well as many policemen in uniform on the block and inside the school itself. Local media and even some large audience national TV OB vans were parked outside the school. Reporters at the front and inside the school were interviewing parents, students, and neighbours about the events. A crew of volunteer firefighters went

inside the school to inspect the damaged restroom. Also present was a special agent from the provincial police trained in conflict management with teenagers, as well as the Head of School Supervisors and the school supervisor representing the Ministry of Education, the principal, the vice principal, school teachers and non-teaching tutors; also angry parents, suspended students and students from lower grades that should have been in class but, in view of the situation, were holding on to the window bars of the upper floors trying to see what was going on, with their eyes wide open in front of such a display. Under these circumstances, we were asked to go inside the school and order what to do. We were put in charge of the operation.

It was obvious that, first, we had to calm down everyone. Therefore, we asked the patrol cars and the policemen to keep watch from the street corners, leaving a minimum number of officers discreetly inside the school. Firefighters were asked to make their inspection at some other time, once we could clear the place. School authorities were told to take the media somewhere where they could be briefed about the situation without interfering with the dialogue we intended to have with the more belligerent, aggressive parents and students who were inside the school. Lower grades teachers were asked to resume activities and to bring children in the classrooms.

It was only then that we set up a meeting in one classroom with parents, some students, the school supervisor, the principal, the class tutor and members of the Ombudsman Office. The fact that the class tutor was present was very positive since the school community sees her as someone who lives and understands the students and their families' reality. Her presence created an atmosphere of respect; she was practically considered the guarantor of the mediation process legitimacy.

The principal's attitude was curious; once the meeting started, she got up and left as if she had nothing to contribute, maybe because she was overwhelmed or afraid. From that moment on, a flow of dialogue began trying to understand the parties' interests, thus starting to de-escalate the conflict. Finally, after the arbitrary discipline measured was annulled, the tension defused and everyone left the school. We committed to go back and meet with the authorities, teachers and non-teaching staff for follow-up and to develop a conflict prevention and management program.

A plenary meeting was called: over fifty teachers and non-teaching staff attended. We delivered a talk about the conflict, possible reactions, escalation and de-escalation; it was very favourably received. Participants showed real interest and concerns and agreed to continue with meetings to start their training on how to approach and manage conflicts. The idea was to end with a programme on education mediation.

The first meeting included a teachers' union representative who was not part of the school staff. He intended to turn our meeting into a platform for his union activity. This distorted the original goal of the meeting and forced us to invite him to stay only if we could fully focus on the specific case that brought us together. We told him that, once we had finished, he could take centre stage with the teachers who wanted to stay, but without involving us in union activities of any kind. We did have to make a firm stand of our role as leaders of the mediation process.

Finally, the fire was put out.





## **My Ex-Wife's Girlfriend**

*Mediator: María Alejandra Quinteros*

This case started out as a usual one: a mother wanted to agree on child support and visitation rights with her son's father, the non-custodial parent.

Both parents attended the first meeting, in May. It was a typical family mediation; an agreement was signed and follow-up was over the phone.

In June, the mother requested a new mediation alleging the father had not complied with child support. To the mediators' surprise, the father explained that he was refusing to pay child support because the mother had started a new life and she would spend that money on her new couple.

After working on the mediation goals, mediators learnt that the mother had started a love affair with another woman, which was very unsettling for the boy's father.

Topics such as intimacy and diversities were heavily discussed. The possibility of seeking counseling was also on the table.

Follow-up was on the phone. Parties stated that the agreement was being complied with and that the boy was enjoying several days a week with his father.



## A Dialogue Through the Common Wall

*Mediator: Leticia Taulamet*

In the city of Santa Fe came a citizen that we will call Maria, and her neighbors, that we will call Juan and Ana, to request a mediation. Maria explained that there was a mechanics' shop in the house adjacent to hers. She was constantly tolerating exhaust gases and irritating noise that came through a patio. Maria also wanted to discuss the common wall which she had built and paid for. Juan and Ana used that common wall as a bearing wall and had embedded a ladder that had caused creaks. Besides, there was a window overlooking Maria's patio, which affected her privacy.

The three parties attended the first meeting. Maria detailed her concerns and, as expected, Juan defended himself accusing Maria of being problematic, a person who had conflicts with each and every neighbor. He refused any responsibility for Maria's issues.

Narratives were full of arguments for and against each other. The mediator did an active and empathic listening trying to unravel the details or discover the words that may decode the situation and let her understand the parties' real needs and interests.

The mediator started working with open, exploratory questions

and paraphrasing until Maria, when responding to Juan repeated argument that *she complained about everything* broke into tears and mentioned that she lived alone, that she was frequently afraid, that she was a very private person, and that it was difficult for her to socialize as Juan and Ana did. When Maria opened up, showed her emotions and weakness, the meeting changed, the topics under discussion moved away from the initial hypothesis and new possibilities came up.

Maria's opening up was legitimated: Juan and Ana could listen and opened up themselves too. So Ana, who had been silent until then, as if she was simply an observer, mentioned that they also were afraid because they knew Maria worked in government and feared she could inconvenience their employment. They also confessed they thought Maria had personality issues, which many neighbors used to laugh at.

It was a turning point, the meeting was no longer about a common wall or irritating noises, but about emotions, fears, honesty. All the parties acknowledged their own and other's feelings and said they wanted to help secure everyone's wellbeing. This came after they could understand each other, their motivations and perceptions. When the conflict was reformulated, they agreed that this mediation was actually about their communication problems.

Consequently, WhatsApp and other options were started to be considered. A three-month period was agreed to implement changes and move forward with respect and better communication. The mediator suggested a recess and a new meeting where to assess the results attained.

Maria, Juan and Ana arrived together at the second meeting, took their seats and talked to each other with familiarity. Once the meeting started, Maria stated that Juan and Ana had had a positive attitude during the three-month period, that things have changed, that she was feeling

calmer, respected and even safer. In turn, Juan and Ana said they had been communicating with each other and that they were planning some works on the common wall to stop exhaust gases from reaching Maria's house. Juan is a bricklayer, so he gave the technical details. Maria said she would help him with any necessary administrative steps, since she knew how to. A true collaboration! Everything took place in a much more relaxed atmosphere. They expressly stated that no payment for the common wall will be demanded and that they would continue to collaborate and communicate with each other. They also said that they did not need to put the agreement in writing, validating everyone's word.

Thus, the mediation ended with a verbal agreement.

The most interesting thing about this case was how the narratives detailed the problem. The agreement ended up dealing with the parties' real interest and need that was the building of trust between them, which, as we know, is based on recognition and communication.



## **A Daughter Living Far Away. Mother Love**

*Mediator: Maria Alejandra Quinteros*

The Ombudsman Office for Children and Adolescents referred a case to mediation. It seemed to be a typical family case. Mediation was requested by a mother who wanted to reunite with her little girl.

However, after careful analysis, the case showed very peculiar characteristics.

The mother was from the province of Santa Cruz<sup>1</sup>. She had had two daughters who, at the time she approached the Office, were 8 and 5. The father was a man from the province of Santa Fe. One day, after suffering from domestic violence more and more frequently, the mother decided to leave the man and go back to the south of Argentina in search of shelter and protection. She left with her youngest. In Santa Cruz, she got a job, met someone who helped her financially and emotionally and built a new family.

Months went by and she was constantly suffering from the absence of her oldest, though they usually talked over the phone.

<sup>1</sup> The province of Santa Cruz is 2,500 km away from the province of Santa Fe

One day she received a call and learnt that the girls' father had died in a car crash and that his parents had become the 8-year-old carers.

The mother then decided to start struggling to travel to Santa Fe and get her daughter back. She had not been able to do so before because the father would not let her.

So, she approached the local Judiciary; the prosecutor contacted the Ombudsman Office, and requested them to interview the grandparents who were living in Santa Fe. A mediation was recommended to reach a solution.

The Ombudsman Office for Children and Adolescents teamworked with the local prosecutor and the Mediation Area to assess the possibility of opening a dialogue process, in person, since the mother had decided to travel to Santa Fe.

Communication was not good in the first meeting; there was hostility, mutual accusations. Each party was assigning faults to the other party.

Once mediation tools were implemented, parties started to listen to each other actively. Narratives were paraphrased, a work agenda was developed: the main goal was to reunite the girl with her mother and her younger sister.

The grandparents were not against the mother-daughter-sister contact but feared it would be too painful for the girl. A psychologist residing in Santa Fe was called to help. She interviewed the girl to give an objective opinion about her situation and the possibility of a reunion.

Everything had to be done very quickly because the mother did not have the means to stay but a few days.

The first mediation ended after three hours of hard work. The parties arrived at a provisional but productive agreement. Visiting



arrangements were made, only a few days at first but intended to increase frequency gradually, based on the girls needs and the mother's possibility of staying in Santa Fe more days. The reunion took place 72 hours after the meeting.

When the parties were leaving, the youngest came into the room, and ran to the arms of her grandparents, hugged them and called them Granny, Grandpa! in an emotional state.

The grandparents were amazed because, as it was said, the girl had moved away with her mother when she was very young. However, it seemed the bond was still there. The mother explained that she would take several hours every week to show the little girl family photos, so she would not forget her grandparents.

The old couple immediately hugged her and asked permission to take her home to reunite her with her sister, who was expecting her. The mother immediately accepted and was promised to be with her daughters that afternoon.

The three days agreed went by and the parties came to a meeting and explained they had come to an agreement. The mother would stay at the grandparents' home for a few days, since she had run out of money. So, she would be with her daughters, and the girls with their grandparents. The old couple said they were happy because they could come to terms with someone they considered their own daughter. Everyone was very emotional; the grandparents offered to lodge the mother every time she could travel.

They also agreed that the sisters, the grandparents and the mother would communicate via Skype or WhatsApp. Adults should commit to facilitate that online communication. The goal was to reinforce the mother's bond with her children so that, in future, they could live together.

Follow-up was by phone, and very fruitful.

In summary, we can say that, for agreements to be performed and sustained, the parties should be well predisposed and there should be a true motivation. These parties proved that, when there is love in a family, no distance is too big.

## Subdivision, Electricity Provision and Water Supply

*Mediators: Lilitiana Bellone and Ana Morel*

Several families from a location near the city of Santa Fe requested a mediation: they had been assigned lots in a new development but had no proper electricity provision neither adequate water supply. They all had title deed on their lot except one of them who had a sales agreement and was about to get his title deed.

The neighbours, the municipal authorities, the provincial energy supplier (EPE<sup>1</sup>), and the water cooperative were invited to a first meeting, as well as the subdivision developer. All attended except for the latter.

The first meeting was held in March. The neighbours detailed their concerns; some were already building their homes, one of them with a Procrear<sup>2</sup> loan, a program with certain requirements. Active listening was the most important tool used by the mediators; each neighbour explained their personal problems and how inconvenient it was for them to lack

<sup>1</sup> EPE, acronym in Spanish for the Provincial Electricity Company.

<sup>2</sup> Procrear is a federal program that gives access to a first home.

such services. They clearly stated who they considered to be responsible for the situation, whether present in the meeting or not.

The local authorities committed to help neighbours in everything they could; they wanted to find a solution as soon as possible and bring social peace to the area. Furthermore, the cooperative representatives stated they had no problems and could set the water supply.

EPE authorities did say they had some problems because the developer was required to complete some works before electricity could be provided. The neighbours explained that the developer was refusing to complete those works, despite the numerous requests made.

Parties were legitimated and the meeting was adjourned until June. Each neighbour came to the June meeting with a detail of their potential contribution to bring electricity to their lots.

While the neighbours were aware that the developer was responsible for the infrastructure works, after brainstorming some ideas, each started to explain what they could contribute. They knew they had to bring the developer to the courts.

The local authorities offered the pipes and the piping —the lots are in a low area that can be flooded—. The EPE would contribute the labour and the neighbours would pay a connection fee and the materials.

In August, after each party considered their commitment and the possibility of performing, a written agreement was signed. Consequently, a serious problem that affected five families was solved. The families had then to decide whether to take the developer to the courts to seek compensation.

## **The Neighbor, the Police Station and the School**

*Mediator: Victor Jaef*

This case happened in a town near the city of Rosario where the school, the police station and some neighbours are all on the same block.

The conflict emerged because a neighbour felt his domicile was invaded by schoolchildren and their families, especially at the times when boys and girls were arriving and leaving school. The neighbour complained that his sidewalk was always full of people who arrived long before and left long after school hours and who used to stop and talk —almost always in a very loud voice— close to his bedroom window, only a couple of meters away from the school entrance door. The neighbour wanted all school movement to take place through another school door, next to the police station.

On the other hand, the school explained it was impossible for teachers and students to use that other door because it was adjacent to the police station entrance. Detainees were transferred to and from the court through that door daily, at any time of day, guarded by armed policemen. It was highly dangerous and reckless to have children nearby.

In the past, some detainees had escaped through the school, which

caused fear and commotion in the school community. It is an event that has not been forgotten.

The police inspector could not negotiate a solution since any decision had to be made by the provincial authorities.

Mediation was carried out in the school. The mediator went there, it was thought to be the best. It was good to have the parties meeting in a place they knew.

The mediator personally met the parties beforehand. This is considered detrimental in many countries but, in this case, proved to be highly positive. Sometimes, this previous knowledge is believed to affect the mediator's impartiality, to affect the building of trust between the parties but, in this case, it facilitated communication and led to an agreement that considered the needs and interests of all the parties:

- a) the school ordered and limited the time parents and students could be on the sidewalk at peak hours, and recommended teachers to talk to parents only inside the school premises.

- b) the police station would —as far as possible— set a time schedule to transfer detainees and to allow any other staff movements, avoiding to match school arrival and leaving times. Besides, since there is parking space inside the police station, police vehicles would park inside. As to the neighbour and the neighbourhood safety and security, the prison cells walls and bars were reinforced and surveillance was enhanced.

- c) the neighbour, who first requested the mediation, after seeing the changes and knowing the mediator was always open to dialogue, stopped his hostile behaviour towards the school and the police. His fears and inconveniences disappeared. The neighbour's girlfriend had come with him to the mediation meetings and, after seeing how successful the success had been, asked to be hired as a teacher in that school.

## **My Daughter's Dead Body and a Place of her Own**

*Mediator: María Alejandra Quinteros*

A meeting was held between the mother of a deceased young girl and her employer.

The process intended to hold a dialogue and agree on the removal of the young girl's dead body from the former employer's family pantheon. The girl had been a trusted employee and, when she died, her employer decided to bury her there until the girl's family could better their situation and transfer her to another destination.

Years went by and an employer's relative died. His coffin was placed on top of the young girl's coffin, which was unsettling for the girl's family.

The pantheon's owners had already tried to transfer the girl to another tomb. However, they did not know that a court order was required. The court order had to be requested by someone legitimately interested in that dead body.

The employer was very busy and did not understand the mother's compelling need to visit her daughter's tomb, bring her flowers, feel her in a space of her own.

Mediation could build trust and empathy between the parties who agreed to exhume the girl's body.

Three meetings were held as well as several phone conversations until the mediator could confirm the body had been transferred to a new space where the mother and the rest of the family could identify as their own.



## Fighting the Inexorable

*Mediators: Patricia Valeria Aréchaga, Florencia Brandoni*

This mediation was carried out during an internship in a small town in Patagonia, Argentina. Several students knew the protagonist, because they had made some professional interventions in her case. They offered to tell us what they knew, but we preferred that they did not. Sometimes information guides, but sometimes it raises prejudices. We had our suspicions.

We started out with just some background information given by the person who referred the case to us: the mother was in urgent need of child support, and the father was requesting a custody agreement. Everyone there thought it was a very difficult case.

Alejandra Rodríguez and Roberto Moreno are the protagonists of this story. Alejandra is a girl from a very low-income home, about 25 years old, physically petite, not very well-groomed and with a life marked by poverty, lack of protection and violence. Roberto is the owner of a small business, about 20 years older than her. One January they met in a town where they were both newcomers. During their time together they thought about having a child and had fantasized about possible

names.... However, when Alejandra told Roberto that she thought she was pregnant, he drastically decided to separate. She was in another town for a few days, and he sent her all her belongings. They never saw each other again, until she, pregnant, she went to the Youth Court to legally request financial aid. There was a hearing where Roberto questioned his paternity and suggested having a DNA test. Alejandra was very offended.

On a date close to the delivery date, Roberto sent her the baby's trousseau and diapers. However, he filed an action for the protection of the unborn child. The children's counselor did not grant it and arranged a meeting between Roberto and Alejandra. He wanted to know the baby and take care of his upbringing, since he considered that living with his mother put him at risk. The meeting was brief and hostile. Alejandra asked him not to give his surname to the baby. Roberto, rejected her request, registered the child and asked for custody. Then, the Counselor offered them a mediation, which they both accepted without conditions. It should be mentioned that Roberto was then living 150 kilometers away from the town where we were and where she was residing. Both attended the mediation with their lawyers. She was nervous, but seemed determined; she had little time because she was breastfeeding. He, serious and saddened, did not look at Alejandra when speaking. We, the mediators asked: What are your expectations for this meeting?

Roberto said: I am agonizing, because it has been two and a half months since I became a father and I am not allowed to see my son. I am worried about our son's quality of life. I want to avoid going to trial and I want Alejandra to give me the baby.

Alejandra said: I would not give him the baby, no. The baby has been with me since he was born; he is always with me. It is not that I am unwilling to let Roberto see the baby. I came here for the baby, this is not

about him, not about me. The baby is not a trophy. I want to raise him. Thanks to him (Roberto) I am now a responsible mother. She added that she wanted to reach an agreement and, when asked about the baby's name, she answered: Ivan.

Roberto: When we thought about having a baby we had imagined naming him Martin.

Thanks to this loving memory, the atmosphere began to relax. Something changed.

Roberto: I came here to exercise my rights, I feel responsible, I took precautions to avoid this. I was someone who offered her security. Our relationship was sporadic and then we decided to move in together, she was coming from a very violent past and I was going through a rough period, I feel responsible. Alejandra clung to me because she needed security. We decided to move in together. We lived together for four or five months. She got pregnant... I realized that moving in together had been a hasty decision. I could not get used to her ways and we separated. I was afraid of becoming another of Alejandra's violent partners. I could not stand her lifestyle that is totally different from my education and upbringing. After 15 or 20 days, I returned to my family. I have been married for over 20 years and have four children. The baby does not have to pay for a mistake I made. I am concerned for his physical safety. I don't want to hurt Alejandra, but she would get up at noon and not take care of her children, she is watching soap operas and listening to *cumbia villera*<sup>1</sup> all day long. That's what scares me. I don't understand what happened, why I wanted to have a child with her.

<sup>1</sup> roughly translated as "slum cumbia", "ghetto cumbia", or "shantytown cumbia") is a subgenre of cumbia music originating in Argentina in the late 1990s and popularized all over Latin America and Latin communities abroad.

His lawyer explained that Alejandra's ex-partner, father of her other two other children, was a violent person who has subject her to domestic violence. Once he stabbed her in the stomach and she was hospitalized. Alejandra has gone back to live with that partner again.

Alejandra said: As Roberto said, we met, we moved in together, the story is as he told it, mostly. He is right, he helped me a lot. While he was living with me, he did not see his children. I told him to go see them because they deserved an explanation, how can I leave my son with him? If he left four children, why shouldn't he leave one? Let's look at both their pasts. We can all make mistakes. He can make mistakes but I can't?

We were thinking: What is she asking us? Does she want to know if we think she is a valuable person? What credibility do we give him?

Mediator: How would she like things to go?

Alejandra: I want him to visit Ivan, to be there for him as a father, as he should, to help financially, as any father should do. The super dad thing doesn't work anymore. No super dad. I want to raise Ivan, I have follow-up from the hospital, from many different places; if the baby was not well I would ask Roberto for help or I would hand Ivan over to him.

Alejandra wanted Roberto to visit the child at her home but he refused, because of safety issues: Alejandra's ex-partner and the neighborhood. In a private meeting he said that there is alcohol, abandonment and beatings where she lives. "Going to her house would be to go into the lion's den. If I were to tell you... there is prostitution, nephews of her who died because of neglect, one burned to death... Alejandra lost a son who chilled to death, another is being raised by the father's mother, by court order, because he was malnourished. I do not deny her parental rights."

These circumstances that led the observing students to know

Alejandra. In this context, Roberto insinuated that, at first, he had paid to have sex with her. He was about to give us more details and we decided that we did not want to know any more. We were convinced that it would not help the mediation process, it would only create an image of Alejandra that could make us judge her and condemn her ways, as it seemed people were already doing, as our students mentioned. We noticed that Roberto's request for custody created in Alejandra the fantasy that Roberto and his wife would adopt the child. People seemed convinced that Alejandra could not raise another child and that the best thing would be to give him up, to give him to a family that could provide him an emotional and material well-being that she did not have at that moment, and that, even without saying it, everyone thought she would never have.

Roberto: I thought I was in love but I was wrong, my mistake was moving in with Alejandra. My wife is a very good, a very nice person, she wants to raise the baby; it is a gesture of greatness. He insisted a lot on wanting to have control over the situation, because he feared for his son's future.

Mediator: Is there any other way that you feel you can control the situation, and at the same time keep the baby with his mother?

Roberto: If someone could assure me that Alejandra has changed, I would be Ok. I would want her to eat properly; I want her not to be mistreated by anyone.

It's important to notice the change that took place in him: he was no longer saying he wanted Alejandra to give him the baby, he was insisting that he wanted her to change. Supporting Alejandra and helping her must have been a desire of his from the moment she went from prostitution to falling in love, living together and thinking of having a child. That fantasy of rescuing her would give us a chance to find a solution, that was our

bet. Some observations on the parties' love life indicate that there are "conditions of love" under which human beings choose their object and reconcile the requirements of their fantasy with reality. A male choice of object is singled out by the following "love conditions": that the beloved is not free and exhibits a certain lightness in her sexual behavior, the high value placed on her, the need to feel jealousy, to be loyal to her, and the purpose of rescuing her. The man who goes to the rescue is convinced that she needs his moral and/or economic support. This choice is supported by the psychoanalytic hypothesis of an unconscious analogy between the mother and the easy woman, because the unconscious and the conscious often coincide, thought are split into two opposites.

This type of object choice showed two important elements: sexual lightness and the fantasy of rescue. As we know, agreements in mediations are made by respecting the codes that gave rise to the couple's bonding; only from the idea of rescuing we could move forward.

The next day we started the meeting with Alejandra like this: Good afternoon, yesterday you were very clear when you said: "I open the door of my house but you don't take him". Our goal was to agree on issues associated to Ivan's upbringing. What did you think about this?

She kept pointing out that the father should come to visit the son; the son should not go to find the father, he should visit Ivan at her home. She said Roberto's fear for his partner had no real basis, that this partner is the only one who helps her with the children, and that she was afraid that Roberto would take the baby away. Alejandra did not accept that Roberto could see Ivan outside her home. She was very insistent. We mediators wondered what it meant for her to have Roberto go to her house. As for child support, Alejandra said she accepted the proposal that Roberto had made at the hearing with the children's counselor: to open

her credit accounts in some stores where she could buy things.

Mediator: You said that Roberto helped you a lot, what did he help you with?

Alejandra (without hesitating): Confidence and the will to fight. He gave me hope, that I could change.

Mediator: Do you think you could consider the possibility of having Roberto see the child outside your house, not to take him away, and you being close by?

On this second day the climate had changed, Roberto was calmer and more relaxed. The first thing he said was that he had not been able to sleep, remembering the moments lived with Alejandra.

Roberto: all this hurts me, my pain is for her, I feel guilty because I left her.

Then we asked about the impact this situation had on his children, who were between 15 and 22 years old. He told us that they understood and that they wanted to meet the baby.

Mediator: What possibilities could we think of for the baby to live better and for you to have some control over his life? Roberto emphasized that he needed to determine when he could take the baby home. He did not want to visit his son at Alejandra's house. He felt that he could have an impact on Alejandra and her children's quality of life by helping her financially and exercising control, but he wanted to be able to spend time with his son, not just visit him. We had come a long way.

Mediator: How do you imagine your first meeting with the baby? Roberto replied that they could meet somewhere other than Alejandra's house. For example, in a hotel. We were amused and touched by his comment. He explained: she could bring the baby to me and leave him with me so that my children and I can spend time with him.

At the joint meeting, Roberto suggested a progressive visitation regime, take Ivan to the city after four months, at first for a day and then for the weekend, plus a monthly sum of money in stores credit equivalent to the Alejandra, the baby and her other two children's total expenses. Also, an account at a children's clothing boutique so that the mother could choose how to dress the child, tin to use as roof and a stove, which she needed. Roberto said: to improve your situation, so that the baby would be with you.

She accepted the proposal and gave the names of the stores in which she wanted to have an account. However, she insisted in Roberto going to her house to see the baby; he confessed that, out of respect for his wife, he could not. She doubled the bet and invited the wife. They couldn't agree. Her insistence was really interesting! After we had agreed on giving her custody, the visitation regime and the financial support! She needed to be recognized as a mother, that Roberto accepted her valuable role as a mother; one of the ways she found was to have Roberto go to her house, have Roberto admit she had a home. Her lawyer helped her: he formulated a compromise solution: she was not left in a place of little value and exclusion; she was put in a place where she probably felt her own and which made her insist so much. This proposal made her the protagonist: while she was breastfeeding, Roberto would visit his son in a local hotel, then Alejandra would travel with the child to Roberto's city, with travel and hotel expenses paid. She would then be sure that she would be able to take care of the child's needs and be close by. It seemed ok to her, Roberto and his lawyer did too.

It was fortunate that we managed to reframe the conflict. As drafting the agreement would take a while and Alejandra had to breastfeed the baby, we invited them to come back an hour later. Then,



Dr. Otero suggested that she and Roberto could drive her home. When they returned to sign the agreement, he was holding Ivan in his arms and said they would call him Morenito.

Finally he added: I never wanted to take your son away from you... you are the mother.

What an enormous joy! We had never imagined that we would be involved in a conflict which outcome would be so decisive for a life! In this case, not listening to the stories told by professional or the people, giving Alejandra the chance to talk, to give her own account, to show she is a competent person was the right thing to do. So, not listening aimed at defying destiny, the inexorable of social stigmatization, the objective of creating an opportunity, of writing a new story, of giving us, mediators, the chance to listen to her without prejudices, without the baggage of her history, and to capture from her what she wanted to show us, to believe that her relationship with Roberto had made her change.



## Closing Remarks

In my capacity as Santa Fe Ombudsman, I had the honor to deliver the closing remarks at the International Mediation Congress held in our province in July 2022 with the presence of 39 speakers and 2,890 participants from 40 countries.

Our institution faces the constant challenge of responding to the needs of citizens, and especially in current times, of listening and understanding people. Conflict can only be understood if we understand people or institutions.

Thus, to reach as many Santa Fe citizens as possible, updating the Ombudsman Office structure was central to our work. The Office opened in 1995 and our Centre for Mediation and Conflict Resolution was one of the first of its kind in Argentina. Currently, in addition to our two main offices, there are *forty-three decentralized offices, three of them with their own mediators: Reconquista, Rafaela and Venado Tuerto.*

And we continue to develop our Non Adversarial Systems for Conflict Resolution, *in line with our institutional strengthening programs in defense of our citizens.*

Adjusting our mechanisms to current times necessarily involves

introducing new technologies to facilitate access to the Ombudsman Office. Therefore, we have joined the global trend of online conflict resolution by resorting to IT tools that help people solve their conflicts even though they may be hundreds or thousands kilometers away from one another. The online system was crucial during the COVID-19 pandemic.

Finally, I would like to state that the Centre for Mediation of the Santa Fe Ombudsman Office has earned its place in the community. Societies are dynamic, we cannot rely of what we have already achieved. We have to take on new challenges, foster community mediation, assess new methodologies for conflict resolution and use any possible tool for peacekeeping and peace-restoration.

**Dr. Jorge Henn**  
*Ombudsman  
of the province of Santa Fe*





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The International Mediation Congress was held in July 2022 in the city of Rosario organized by the Ombudsman Office of Santa Fe.

There were 39 speakers, and 2,890 attendees from 40 countries in the 5 continents.

The Congress celebrated the 30th anniversary of mediation in our province. This book is the corollary of the Congress, an event that was a distinct landmark for conflict resolution. This publication captures the history and the present of the Ombudsman Office.

This book includes the welcome and the closing remarks by Gabriel Savino and Jorge Henn, Santa Fe Ombudsmen, respectively, an introduction with the history of the Congress written by Rosario Mediation Director, Victor Jaef; and the most relevant presentations together with a selection of cases that illustrate and show the vast work completed in these three decades.

Currently, the Ombudsman Office has set new goals to attain in conflict mediation. The Office has pioneered mediation in Santa Fe and will continue to work in the defense of Santa Fe citizens. This book is proof of such goals.



Defensoría de niñas,  
niños y adolescentes.  
PROVINCIA DE SANTA FE



Congreso Internacional de Mediación  
**El abordaje del Conflicto  
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