

**REVIEW OF THE ACCEPTANCE AND IMPLEMENTATION  
OF JIU RECOMMENDATIONS BY THE UNITED NATIONS  
CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)**

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## I. INTRODUCTION

1. The General Assembly of the United Nations has repeatedly noted the importance of enhancing the effectiveness of the Joint Inspection Unit (JIU) and its follow-up system and has reaffirmed that the effectiveness of the JIU is a shared responsibility of the Unit, member States, and the secretariats of the participating organizations.<sup>1</sup>

2. In its resolution 54/16, the General Assembly endorsed the proposal of the Unit to establish a system for handling of JIU reports and recommendations by its participating organizations. The proposal, entitled “Towards a more effective system of follow-up on reports of the Joint Inspection Unit”, was attached as an annex to the Unit’s annual report for 1996-1997.<sup>2</sup> Subsequently, the Unit undertook negotiation on specific follow-up agreements with the secretariats of its participating organizations, which were ratified by their respective governing bodies between 2000 and 2005. As part of the United Nations Secretariat, the United Nations Conference on Trade and Development (UNCTAD) is bound de jure by resolution 54/16 of the General Assembly, which endorsed the follow-up system.

3. In 1998, the Unit started tracking the action taken by legislative bodies on its recommendations. That tracking system evolved over the years into a web-based tracking system (WBTS), which was introduced in 2002. The WBTS serves as an online platform allowing participating organizations to access and update the status of consideration of JIU reports and the acceptance and implementation of recommendations. The General Assembly in its resolution 69/275 requests the heads of participating organizations to make full use of the web-based system and to provide an in-depth analysis of how the recommendations of the Unit are being implemented.<sup>3</sup>

4. The Unit is committed to further enhancing the effectiveness of its follow-up system and therefore decided to include in its programme of work for 2015 a review of the acceptance and implementation of JIU recommendations by its participating organizations for the period 2006-2012. The years 2013 onwards have been excluded from the analysis since it takes some time for reports to be considered by legislative bodies and for recommendations to be implemented by management. All recommendations prior to 2006 had been closed and their acceptance and implementation were no longer tracked.

5. The review is being conducted in two phases. The objectives of the present first phase are to review:

- The acceptance and implementation of recommendations by JIU participating organizations, based on the statistics provided in the WBTS, to prompt action to clear recommendations outstanding for five years or more; and
- The process of consideration of JIU reports by the legislative bodies of organizations in order to identify shortcomings and delays in the process.

6. A questionnaire on the process of handling JIU reports, notes and management letters was sent to the JIU focal points at each organization. The results of the first phase of the review are being presented in a series of management letters addressed to executive heads of participating organizations.

7. The second phase will identify good follow-up practices at organizations and draw lessons to enhance the follow-up process.

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<sup>1</sup> General Assembly resolutions 50/233, 54/16, 62/246, 63/272, 64/262, 65/270, 66/259, 68/266 and 69/275.

<sup>2</sup> A/52/34.

<sup>3</sup> OP.15.

8. The present management letter, which is addressed for action to the Secretary-General of UNCTAD includes:

- A comparison of the acceptance and implementation rates for the period 2006-2012 in order to position UNCTAD within the spectrum of JIU participating organizations;
- A trend analysis of the acceptance and implementation rates at UNCTAD for the period 2006-2012;
- A review of recommendations formulated during the period 2006-2009 still outstanding, the acceptance of which is “not available” or “under consideration”, and/or the implementation of which is “in progress”, “not started” or “not available”; and
- An analysis of the process of handling JIU reports by UNCTAD during the period 2010-2012.

9. Comments on the draft management letter were sought from UNCTAD management and taken into account in finalizing the letter. In accordance with article 11, paragraph 2, of the JIU statute, the present management letter was finalized after consultation among the Inspectors so as to test its conclusions and recommendations against the collective wisdom of the Unit.

## II. ACCEPTANCE AND IMPLEMENTATION OF RECOMMENDATIONS

### A. Below-average rate of acceptance of recommendations

10. As shown in the table below, when this review was initiated in February 2015, UNCTAD ranked 23rd in the acceptance and 11th in the implementation of JIU recommendations among all participating organizations and entities considered during the period 2006-2012. UNCTAD's acceptance rate was well below the average of all organizations, whereas its implementation rate was above the average (see annex I for more details). At the time the present draft management letter was being finalized, the rates remained unchanged. **The Inspector invited UNCTAD management to explain the reasons for the low rate of acceptance and report to the JIU by July 2016.**

Table 1  
Rates of acceptance and implementation (2006-2012)\*

	UNCTAD	All organizations
Number of recommendations	204	7692**
Number of accepted recommendations	67	5000**
Number of implemented recommendations	58	4020**
<b>Rate of acceptance</b>	<b>32.8%</b>	65%
<b>Rate of implementation</b>	<b>86.6%</b>	80.4%

\*As of February 2015.

\*\* Number of recommendations multiplied by the number of organizations concerned, to which recommendations are addressed for action.

11. In its comments to the draft management letter, UNCTAD indicated that with respect to the question of UNCTAD's perceived low rate of acceptance of JIU recommendations, although the UNCTAD Conference is a subsidiary organ of the United Nations General Assembly, the UNCTAD secretariat is actually a Department of the United Nations Secretariat and is therefore bound by the Secretariat's rules, regulations and procedures in all areas including finance, human resources, procurement etc. In addition to this, as a tenant in the Palais des Nations and a non-resident agency, UNCTAD does not manage facilities, security, procurement and many other useful areas covered by JIU recommendations. The particular, and possibly unique, status of UNCTAD within the United Nations system means in effect that 70 to 80 per cent of recommendations are either not relevant or not applicable to UNCTAD while are relevant to the Secretariat of the United Nations as a whole. It was also noted an acceptance rate of 67 per cent for the United Nations Secretariat, as reflected in annex I, and that recommendations accepted by the United Nations are also relevant to UNCTAD. In such cases, implementation is only possible at the United Nations Secretariat's level and not at the level of individual departments such as UNCTAD.

12. **The Inspector takes due note of these considerations described in the previous paragraph and will bring them to the attention of the Unit for a decision on the best course of action on how to handle this type of recommendations.**

### B. Decreasing trend of acceptance and implementation

13. It can be further noted that both the rates of acceptance and implementation of JIU recommendations fluctuated over the period to decrease by 2012, as shown in the table below (see annex II for more details). The rates of acceptance for the years 2009 and 2010 were particularly low.

The Inspector invited UNCTAD management to analyse the reasons and report to JIU by July 2016.

Table 2  
Trend of acceptance and implementation (2006-2012)\*

	2006	2007	2008	2009	2010	2011	2012
<b>Number of recommendations</b>	4	17	26	36	28	50	43
<b>Rate of acceptance</b>	50.0%	58.8%	34.6%	13.9%	17.9%	30.0%	48.8%
<b>Rate of implementation</b>	100%	80.0%	77.8%	60.0%	100%	86.7%	95.2%

\*As of February 2015

14. In its comments to the draft management letter UNCTAD indicated that with regard to the query seeking reflection on the varying levels of acceptance and implementation of JIU recommendations for the period of 2009 to 2012, in particular 2009 and 2010, this may have been due to the subjects covered by respective reports. The relevance of the topics covered in a particular year is not within the Organization's control. For instance, for the year 2015, four of the six reports published so far are relevant to UNCTAD (SIDS, public information, climate change and evaluation), whereas for 2016 only the follow-up report on SIDS is relevant and applicable out of the three reports published so far.

15. It is difficult for UNCTAD to accept to implement recommendations that are not relevant and applicable to the Organization, committing to actions over which it has no authority. However, the upward trend in the implementation of relevant recommendations is a commitment and effort to be responsive to the concerns of the JIU over the longer period. UNCTAD is committed to continue the positive trend to be supportive of the JIU recommendations. **The Inspector takes note of these constructive efforts by UNCTAD management and reiterates the need to better communicate on the relevance of JIU reports and recommendations at the time when draft reports are sent for comments to the Organization.**

#### C. Higher rates of acceptance and implementation of recommendations addressed to the executive head

16. Likewise in most participating organizations, UNCTAD's rate of acceptance of recommendations addressed for action to the executive head during the period 2006-2012 was higher than the rate of acceptance of recommendations addressed for action to the legislative body. Yet, the rates of implementation of recommendations addressed to the executive head were slightly lower than the rate of implementation of recommendations addressed to the governing body. In principle, recommendations addressed to executive heads are more easily accepted and implemented since they do not entail significant policy changes or costs requiring the approval of member States. **The Inspector encourages UNCTAD management to examine the reasons for this difference and take action, as appropriate.**

Table 3  
Rates of acceptance and implementation by addressee (2006-2012)\*

	UNCTAD executive head	UNCTAD legislative body
<b>Rate of acceptance</b>	40.4%	11.3%
<b>Rate of implementation</b>	85.3%	100%

\*As of August 2015.

17. With respect to the difference between the higher rate of acceptance and implementation of recommendations addressed to the executive head versus the legislative body, UNCTAD commented that one important element of this is that it does not have a legislative body vested with specific authority over administrative and budgetary matters. The legislative body of UNCTAD is an entity with substantive oversight and authority, whereas most issues covered by JIU reports fall under the authority of the General Assembly. It is important to note that in most cases, the legislative recommendations that UNCTAD marked as not relevant or applicable related in fact to areas under the purview of the General Assembly and its competent Committees. Nevertheless, UNCTAD cannot unilaterally refer JIU recommendations to the General Assembly. The United Nations Department of Management as the oversight focal point for the whole Secretariat is the entity responsible for referring such issues to the General Assembly. Therefore, a legislative recommendation marked not relevant by UNCTAD does not mean that the issue is ignored, rather than it is dealt with at the appropriate United Nations Secretariat's level. Indeed, as stated earlier, UNCTAD takes positive note of the 85.3 per cent and 100 per cent respective implementation rate for the executive head and legislative body, and intend to continue to build and improve upon it.

18. As in the case of recommendations addressed to the executive head, similarly, **the Inspector acknowledges the challenges involved and would bring them to the attention of the Unit to discuss on the best course of action to adopt with respect to recommendations addressed to UNCTAD's legislative body.**

#### **D. High rate of “not-relevant” recommendations**

19. UNCTAD has the highest percentage of recommendations reported as “not relevant” (65.5 per cent), well above the average (12 per cent) of all organizations during the period 2006-2012, as of February 2015 (for more details see annex III). In the response to JIU questionnaire, UNCTAD indicated that many recommendations are not within the competence of individual United Nations Secretariat's departments but managed at the central level; or fall under the competence of the General Assembly and not of the UNCTAD's Trade and Development Board. **The Inspector invites UNCTAD management to make sure to indicate the non-relevance of recommendations at the time the draft report is first received for comments, and to request that these recommendations are reflected as for information only in the annex table “Overview of actions to be taken by participating organizations on the recommendations of the Joint Inspection Unit”.**

20. With respect to the point raised under this matter, UNCTAD thanked the Inspector for his understanding of the situation necessitated by its particular governance set up but also noted that some of the recommendations marked as not relevant by UNCTAD were due in large part to the subject matter being outside of its the direct competence. UNCTAD quoted examples of recent reports issued in 2014 and 2015 in this respect.<sup>4</sup> Conversely, whenever reviews are relevant to UNCTAD, an active role has been taken, as was the case, for instance, on the recent reviews of SIDS, climate change, public information or evaluation function.

21. Therefore, while the Organization in the past communicated its views through emails at the working level, UNCTAD will henceforth submit a formal notification in line with the suggestion of

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<sup>4</sup> Ombudsman services: UNCTAD does not have its own Ombudsman services, which are provided at Secretariat-wide level; Contract management and administration: UNCTAD does not have procurement authority and therefore cannot take action on the recommendations of this review; Use of non-staff personnel: recommendations would entail changes to administrative instructions and other administrative issuances that UNCTAD has no control over; Capital refurbishment: UNCTAD does not manage any facilities as it relies on UNOG in Geneva and UNHQ in New York.

the JIU since it consistently flags to JIU the non-relevance to UNCTAD when TORs and notifications are issued. Nevertheless, recommendations are issued, regardless of the initial comments flagging the non-relevance to UNCTAD. UNCTAD takes note of the JIU recommendation on indicating the not-relevant recommendations to UNCTAD at the stage of commenting on the draft report, to ensure that recommendations are issued for information only.

**E. Few long-outstanding recommendations for five years or more**

22. A review of 83 recommendations in 16 JIU reports and notes addressed for action to UNCTAD during the period 2006-2009 showed that, as of April 2016, there were six outstanding recommendations for five years or more, for which action should have already been taken by UNCTAD to implement them (see table 4 below). Five years or more after being sent for action no recommendation should appear as implementation “in progress”. Action by UNCTAD was required to clear the remaining long-outstanding recommendations, as applicable.

Table 4  
**Long-outstanding recommendations (2006-2009)\***

<b>Report number</b>	<b>Recommendation number</b>	<b>Current status</b>
<b>JIU/REP/2007/6</b>	2	Implementation: In progress
<b>JIU/REP/2007/10</b>	1	Implementation: In progress
<b>JIU/REP/2008/6</b>	3	Implementation: In progress
	4	Implementation: In progress
<b>JIU/REP/2009/5</b>	2	Implementation: In progress
	3	Implementation: In progress
<b>Total outstanding recommendations</b>		<b>6</b>

\*As of April 2016.

23. In its comments, UNCTAD took careful note of the six recommendations made over the period from 2006 to 2009 that are still pending full implementation since 5 or more years and would pursue all efforts to ensure their implementation at the earliest opportunity.

**Recommendation 1**

**The Secretary-General of UNCTAD should ensure that action is taken to clear long-outstanding recommendations, as accounted in the WBTS, and report to JIU by 30 September 2016.**



### III. CONSIDERATION OF REPORTS BY UNCTAD LEGISLATIVE BODY

24. The JIU reviewed the handling of 19 reports issued by the Unit during the period 2010-2012 containing at least one recommendation addressed to UNCTAD legislative bodies; only one of these reports, the review of management and administration in UNCTAD (JIU/REP/2012/1), was considered by the Trade and Development Board and a decision taken on its recommendations.<sup>5</sup>

25. From the UNCTAD's response to the JIU questionnaire it is unclear what use is made of JIU reports and whether they are at all disseminated within the Organization for information and/or action by officials responsible for the implementation of recommendations. The response indicates that the focal point and sub-focal points decide to accept recommendations on the basis of whether they are applicable to UNCTAD. In cases where there are budgetary and/or strategic implications, consultations with senior officials (Deputy Secretary-General or Secretary-General of UNCTAD) take place. A recommendation is considered implemented when the relevant action is considered as implemented by the focal point and sub-focal point. **The Inspector would appreciate receiving relevant clarifications in this regard.**

26. In its response to the draft management letter, UNCTAD appreciated the views of the Inspector and the relevance of the query. It is important to note that the focal point and sub-focal point are an intrinsic part of the management team of UNCTAD and do have the relevant expertise as well as access to senior management for proper consultation and guidance. It is the focal point, working closely with the management team, who conveys the considered views of the Organization to the JIU, including on implemented recommendations. In relation to the involvement of legislative bodies, JIU recommendations are mainly referred to the General Assembly by the Department of Management rather than to the Trade and Development Board (TDB). An exception to this was the management and administration review of UNCTAD, which did fall under the oversight authority of the TDB. It was also mentioned that UNCTAD would be most pleased to benefit from any best practice that the Inspector would wish to share that can improve dissemination.

27. With regard to these clarifications, the Inspector reiterates his concern about the use made of JIU reports other than by senior management and the management team. For instance, the JIU reports/notes could be also more widely disseminated within the Organization for information, depending on the subject, to relevant officials and staff and for action by officials directly responsible for the implementation of recommendations, outside the management team.

28. We would appreciate receiving a response to this management letter and recommendations by 31 August 2016.

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<sup>5</sup> TD/B(S-XXVI)/L.1.

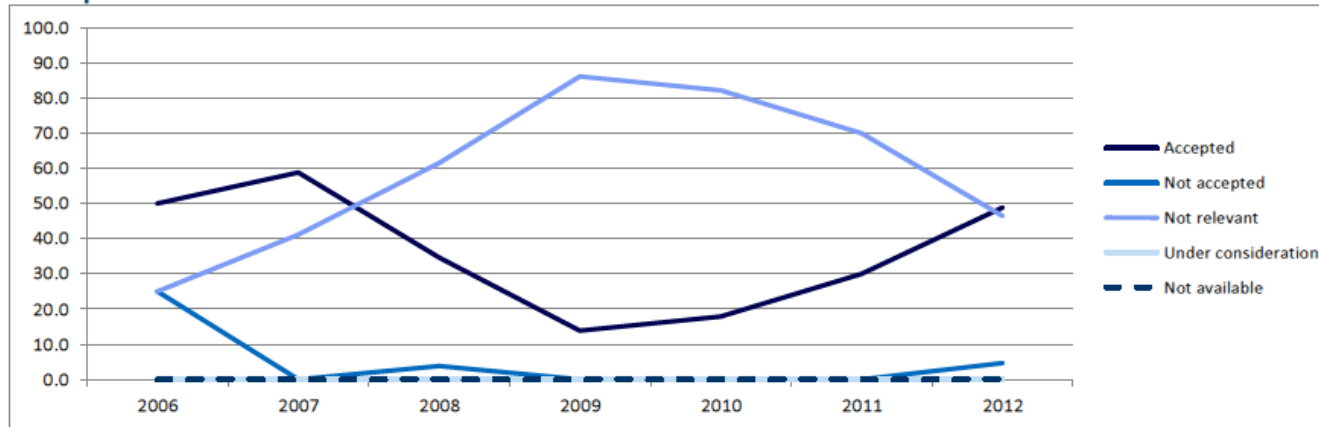
**Annex I**  
**Rates of acceptance and implementation by organization (2006-2012),**  
**as of February 2015**

	<i>(percentage)</i>		<i>(percentage)</i>
	<i>Accepted</i>		<i>Implemented</i>
FAO	93.7	OHCHR	100.0
UNRWA	91.2	FAO	97.3
WFP	89.6	ICAO	94.1
UNHCR	86.2	WFP	93.4
UNFPA	85.7	WMO	92.8
WHO	83.6	UNIDO	92.6
UNIDO	82.9	UNESCO	90.4
UNDP	82.3	UNHCR	89.2
UNESCO	81.9	WHO	88.3
UNOPS	81.0	UNEP	86.7
ICAO	80.8	UNCTAD	86.6
UNICEF	80.4	UNRWA	82.4
UNEP	78.7	UNOPS	82.0
UNAIDS	77.8	ILO	80.5
IMO	72.8	<b>All organizations</b>	<b>80.4</b>
ILO	68.2	UNFPA	80.1
UN	67.0	WIPO	78.2
<b>All organizations</b>	<b>65.0</b>	UNWTO	73.7
WMO	63.9	UN	69.8
WIPO	56.3	UNDP	69.5
ITU	47.4	UNICEF	66.3
OHCHR	38.5	IAEA	61.3
IAEA	35.3	UN-Habitat	61.2
UNCTAD	32.8	UNODC	57.9
UPU	25.7	IMO	57.2
UNODC	22.4	UNAIDS	51.4
UN-Habitat	19.2	ITC	50.0
ITC	18.2	UPU	46.8
UNWTO	6.3	ITU	46.2
CEB	0.0	CEB	0.0
UN-WOMEN	0.0	UN-WOMEN	0.0

## Annex II

UNCTAD's trend of acceptance and implementation of JIU recommendations (2006-2012), as of February 2015

### Acceptance

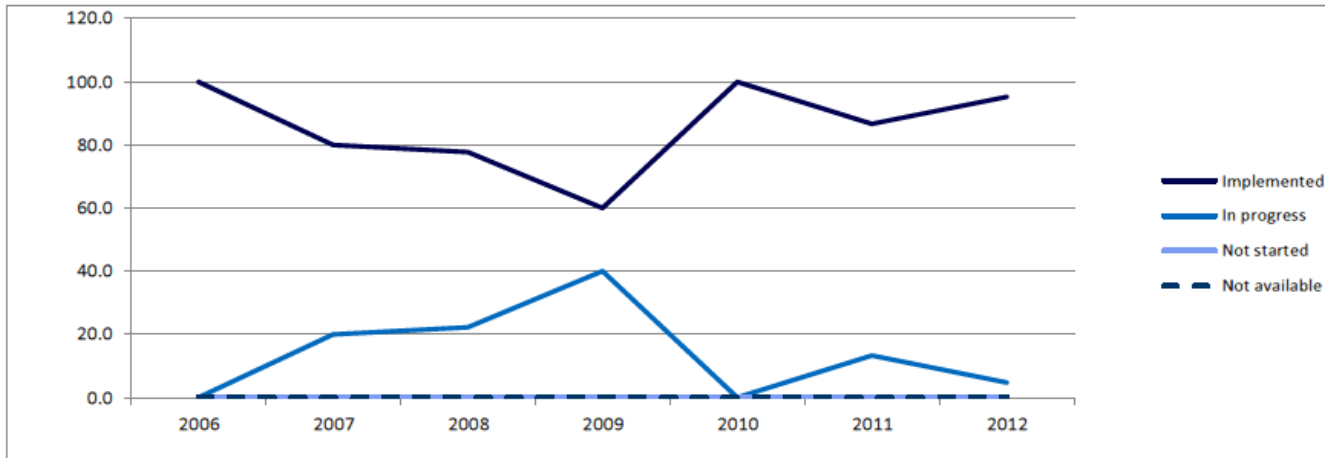


%	2006	2007	2008	2009	2010	2011	2012
Accepted	50.0	58.8	34.6	13.9	17.9	30.0	48.8
Not accepted	25.0	0.0	3.8	0.0	0.0	0.0	4.7
Not relevant	25.0	41.2	61.5	86.1	82.1	70.0	46.5
Under consideration	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Not available	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Values	2006	2007	2008	2009	2010	2011	2012
Accepted	2	10	9	5	5	15	21
Not accepted	1	0	1	0	0	0	2
Not relevant	1	7	16	31	23	35	20
Under consideration	0	0	0	0	0	0	0
Not available	0	0	0	0	0	0	0

## Implementation



%	2006	2007	2008	2009	2010	2011	2012
Implemented	100.0	80.0	77.8	60.0	100.0	86.7	95.2
In progress	0.0	20.0	22.2	40.0	0.0	13.3	4.8
Not started	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Not available	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Values	2006	2007	2008	2009	2010	2011	2012
Implemented	2	8	7	3	5	13	20
In progress	0	2	2	2	0	2	1
Not started	0	0	0	0	0	0	0
Not available	0	0	0	0	0	0	0

### Annex III

#### “Not relevant” recommendations (2006-2012), as of February 2015

	<i>(percentage)</i>
	<i>Not relevant</i>
UNCTAD	65.2
OHCHR	53.9
UNODC	39.4
WMO	26.4
UN-Habitat	20.8
ILO	15.4
WIPO	15.0
UNEP	14.2
IMO	12.7
<b>All organizations</b>	<b>12.0</b>
UNOPS	11.7
ICAO	11.0
UNFPA	10.6
ITU	10.1
UPU	9.3
UNESCO	8.8
IAEA	8.3
UNHCR	8.0
UNIDO	7.4
UNDP	7.1
UNAIDS	6.7
UN	6.1
WFP	5.4
UNICEF	5.0
UNRWA	5.0
WHO	4.6
FAO	1.9
CEB	0.0
ITC	0.0
UN-WOMEN	0.0
UNWTO	0