

**REVIEW OF THE ACCEPTANCE AND IMPLEMENTATION
OF JIU RECOMMENDATIONS BY THE JOINT UNITED
NATIONS PROGRAMME ON HIV/AIDS (UNAIDS)**

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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.¹

2. In its resolution 54/16, the General Assembly endorsed the proposal of the Unit to establish a system for the 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 1996-1997.² 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. The Joint United Nations Programme on HIV/AIDS (UNAIDS) was established by ECOSOC resolution 1994/24 and formally launched on 1 January 1996. Officially, UNAIDS became a JIU participating organization in 2012, when the relationship was formalized with the nomination of a JIU focal point³ and a more systematic inclusion of UNAIDS in the reviews undertaken by the Unit⁴ and in the web-based tracking system (WBTS). From 2012, the Organization also started contributing to cost-sharing of the jointly-funded JIU budget.⁵ It became *mutatis-mutandis* bounded *de jure* by the General Assembly resolution 54/16 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 to the above-mentioned WBTS, 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.⁶

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 during 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/implementation was no longer tracked.

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

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

² A/52/34.

³ A/67/34, para.51.

⁴ Prior to 2012, few reports/notes were sent ad hoc (2 reports in 2007 and 2011 and 1 note in 2008). In 2012, 6 out of 13 reports and 4 notes issued by the Unit were sent to UNAIDS for action.

⁵ A/66/34, Annex V.

⁶ OP.15.

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

8. Since UNAIDS officially became a JIU participating organization in 2012, it practically falls out of the scope of the present first phase of the review, which covers for all other JIU participating organizations the period 2006-2012, in particular with regard to the first objective of comparing the rates of acceptance and implementation among organizations, conducting a trend analysis of the acceptance and implementation rates by organization during this period and following-up on long-outstanding recommendations for five years or more. As for the second objective, the Inspector took stock of the current UNAIDS practices for handling JIU reports addressed to the Organization for action since its official adherence as a JIU participating organization in 2012.

9. The present management letter is addressed for action to the Executive Director of UNAIDS. Comments on the draft management letter were sought from UNAIDS 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

10. Prior to becoming officially a JIU participating organization in 2012, UNAIDS was sent three ad hoc reports for action.⁷ If these reports are taken into consideration, at the time this review was initiated in February 2015, UNAIDS ranked 14th in the acceptance (77.8 per cent) and 25th in the implementation (51.4 per cent) of the 45 recommendations contained in nine JIU reports and notes sent for action to the Organization during the period covered by the JIU review (2006-2012).

11. Yet, considering the year 2012 solely for the purpose of this review, the rate of acceptance by the Organization was 96.3 per cent and the rate of implementation was 80.8 per cent, as of June 2016 when this management letter was being finalized, as shown in the table below. For the year 2012, UNAIDS ranked the second highest in acceptance among all participating organizations and entities reviewed, well above the average; however, it ranked 19th in the implementation, below the average of all organizations. **The Inspector commends UNAIDS management on the results shown with regard to the acceptance of JIU recommendations and encourages efforts to improve their implementation.**

Table 1
Rates of acceptance and implementation (2012), as of June 2016

	UNAIDS	All organizations**
Number of recommendations	27	1135
Number of accepted recommendations	26	703
Number of implemented recommendations	21	619
Rate of acceptance	96.3	61.9%
Rate of implementation	80.8	88.1%

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

III. CONSIDERATION OF REPORTS BY UNAIDS GOVERNING BODY

12. In 2012, the JIU sent to UNAIDS seven reports containing at least one recommendation addressed for action to the legislative body of the Organization. It appears that none of the reports were tabled for consideration.

13. In its response to the JIU questionnaire, UNAIDS indicates that it does not distribute JIU reports to legislative body's members. When relevant, the status of the recommendations, along with the comments of the Organisation are included in the documents submitted to the UNAIDS Programme Coordinating Board (PCB) that meets twice a year. However, full copies of the JIU reports are kept by the focal point and are available to the members of the legislative body upon request. As indicated in the reply to the questionnaire, JIU reports are shared within the organization with senior management and, depending on the subject areas, they are further disseminated to the relevant departments to ensure appropriate follow-up actions.

14. According to UNAIDS Governance Handbook, the PCB acts as the governing body of the Organization on all programmatic issues concerning policy, strategy, finance, monitoring and

⁷ JIU/REP/2007/12, JIU/NOTE/2008/2 and JIU/REP/2001/5.

evaluation of UNAIDS. This includes the review of the audited financial statements and periodic reports that evaluate the progress of the Joint Programme towards the achievement of its goals.⁸

15. The JIU noted from its review of information publicly available on the Organization's website, which covered the years 2012 to 2015, that the UNAIDS PCB does not seem to consider JIU documents at its sessions.

16. Instead, the PBC considers other oversight reports, such as the annual reports of the external auditors and the 2012 report on the evaluation of the Monitoring and Evaluation Reference Group (MERG).⁹

17. The Inspector therefore invites UNAIDS management to institute reporting to the Programme Coordinating Board on the JIU reports of relevance addressed for action to the Organization, as currently done by the most of the JIU participating organizations, in order to comply with the relevant provisions of the JIU statute (articles 11.4 and 12).

18. In order to determine the JIU reports and recommendations of relevance to the Organization, **the Inspector invites UNAIDS management to clearly indicate the non-relevance of reports/recommendations at the time the draft report is received for comments, requesting that these recommendations be reflected as "for information only" in the annex table entitled "Overview of actions to be taken by participating organizations on the recommendations of the Joint Inspection Unit".**

19. The above-mentioned provisions of the JIU statute require that:

- Immediate action is taken by the executive heads to distribute JIU reports, upon receipt, to the member States of their organization;
- The JIU reports are submitted at the next meeting of the competent organs of the organizations, together with the joint comments of executive heads within the framework of the CEB, as applicable, which should be ready not later than 6 months after their receipt, and any comments of the respective executive head on matters that concern his/her organization;
- The JIU is informed of decisions taken by the competent organ on the reports of the Unit, and;
- Expedient implementation of approved/accepted recommendations is ensured by executive heads.

20. In line with good practices to enhance transparency and accountability, a report to the Board mentioned in para 17 should contain:

- A brief summary and comments for each JIU report issued of direct relevance to the organization and its recommendations, with hyperlinks to the relevant report and CEB comments, to facilitate access to them on an economical and effective manner;
- A status matrix indicating the acceptance or rejection of the recommendations addressed specifically to the governing body, as well as to the executive head, and the official responsible for implementation, and comments thereon, as applicable;
- The implementation status of previous years recommendations; and
- A draft decision for action by the Board to endorse/take note of the report and comments thereon on the status of recommendations.

21. Subsequently, the PCB should take effective action to endorse/take note of these reports and relevant action should be recorded in the minutes of the meetings. Relevant information on

⁸ Paragraphs 4 and 5, page 17.

⁹ UNAIDS/PCB (31)12.22.

the consideration of reports should be input in the WBTS (date and document reference of executive head's comments and action taken by governing body).

Recommendation 1

The Executive Director of UNAIDS should set up a system to report to the Programme and Coordinating Board on JIU reports and recommendations of relevance to the Organization, in line with relevant provisions of the JIU statute, by the end of 2017.

22. In its comments to the draft management letter, UNAIDS indicated that it would set up a system to report to the Programme Coordinating Board on JIU reports and recommendations by the end of 2017. The Inspector is pleased to note this positive response from UNAIDS.

23. We would appreciate receiving a response to this management letter and its recommendation by 31 August 2016.