

**REVIEW OF THE ACCEPTANCE AND IMPLEMENTATION
OF JIU RECOMMENDATIONS BY THE INTERNATIONAL
ATOMIC ENERGY AGENCY (IAEA)**

Prepared by

Jorge T. Flores Callejas

Joint Inspection Unit

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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 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 negotiations on specific follow-up “agreements” with the secretariats of its participating organizations, which were ratified by their respective governing bodies between 2000 and 2005. Despite several attempts by the Unit, no follow-up scheme was agreed with the International Atomic Energy Agency (IAEA). In its letter of 15 September 2005, IAEA stated that “given the bases upon which the Board authorized the acceptance of the JIU statute, the IAEA does not believe that any alternative or additional modalities of handling JIU reports are required at this time”. The letter recalled that in 1978, when the Agency’s Board of Governors authorized the Director General to accept the statute of JIU, it was accepted on the condition that JIU would not become a subsidiary organ of the legislative bodies of IAEA. Additionally, taking account of the Agency’s unique relationship with the United Nations as contained in its relationship agreement (the IAEA is not a specialized agency as defined in the United Nations Charter), and the specific nature of its functions, the Board further decided that these considerations would determine which areas of IAEA’s work would be amenable to the JIU’s inspection and evaluation activities.³

3. In 1998, the Unit started tracking actions taken by legislative bodies on its recommendations. The tracking system evolved over the years to a web-based tracking system (WBTS) which was introduced in 2012. 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 requested 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.⁴

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 the JIU recommendations by its participating organizations during the period 2006-2012. The more recent years have been excluded from the analysis since it takes time for the reports to be considered by legislative bodies and for recommendations to be implemented by management. All recommendations issued prior to 2006 had been closed and their acceptance and implementation were no longer tracked.

5. The present review will be conducted in two phases. The objectives of the 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 the participating organizations in order to identify shortcomings and delays.

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 Letter from Mr. Ibrahim Zeekneh, IAEA Director, Office of Internal Oversight Services to Ion Gorita, JIU Chair

⁴ OP.15.

6. A questionnaire on the process of handling JIU reports, notes and management letters was sent to the JIU focal points in 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.

8. The present management letter, which is addressed for action to the Director General of IAEA includes:

- A comparison of the acceptance and implementation rates for the period 2006-2012 in order to position IAEA within the spectrum of JIU participating organizations;
- A trend analysis of the acceptance and implementation rates at IAEA for the period 2006-2012;
- A review of recommendations formulated during the period 2006-2009 still outstanding, the acceptance of which is either “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 issued from 2010 to 2012.

9. Comments on the draft of the present management letter were sought from IAEA 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 consultations 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. Rate of acceptance and implementation of recommendations

10. At the time the present review was initiated in February 2015, IAEA ranked 22nd in the acceptance and 21st in the implementation of JIU recommendations among all participating organizations and entities considered in the review for the period 2006-2012. IAEA's acceptance rate was considerably lower than the average of all organizations and its implementation rate (of accepted recommendations) was also quite low, compared to the average rate, as shown in the table 1 below (see annex I for further details). **The Inspector invites IAEA management to analyse the reasons of such a low rate of acceptance and implementation of JIU recommendations and report to the Unit by 1 June 2016.**

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

	IAEA	All organizations
Number of recommendations	300	7692*
Number of accepted recommendations	106	5000*
Number of implemented recommendations	65	4020*
Rate of acceptance	35.3%	65%
Rate of implementation	61.3%	80.4%

*As of February 2015.

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

B. Decreasing trend of acceptance and implementation of recommendations

11. It can be further noted that both the rates of acceptance and implementation of recommendations decreased from 82.6 per cent and 78 per cent respectively in 2006 to 0 per cent in 2011, as shown in the table 2 below (see annex II for further details).

12. The JIU 2012 review of management and administration in AIEA indicated that IAEA rates for the period 2004-2010 were "quite high among JIU participating organizations" with 61.9 per cent of recommendations accepted and 50.3 per cent implemented.⁵ The decreased since then is explained by the fact that IAEA stopped its reporting to JIU on the acceptance and implementation of JIU recommendations when the new WBTS was introduced.

13. IAEA's response to the JIU questionnaire on the handling of JIU reports, notes and management letters indicates that the JIU focal point is required to disseminate the different recommendations to managers, obtain input, review and consolidate them etc.; however, "due to the system's limitations that does not accommodate for the extraction of the recommendations through MS Word or MS Excel and the Agency's clearance policy, follow-ups are currently not being carried out".

14. The JIU stands ready to train and assist IAEA focal point to overcome any technical difficulties encountered in the use the WBTS to allow the Agency resume its reporting to the Unit. Currently, the WBTS is used by some 26 organizations and 425 users. A new upgrade of the system is undergoing, which would introduce enhanced data exports facilities and made the system even more user-friendly.

⁵ JIU/REP/2012/13/Rev.1, para. 176

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

	2006	2007	2008	2009	2010	2011	2012
Number of recommendations	22	29	39	47	50	57	55
Rate of acceptance	82.6%	72.4%	79.5%	25.5%	46.0%	0%	0%
Rate of implementation	78.0%	61.9%	54.8%	66.7%	52.1%	0%	0%

*As of February 2015

Recommendation 1

The Director General of IAEA should ensure that action is taken to resume reporting on the acceptance and implementation of JIU recommendations, and report to JIU by 1 June 2016.

C. High number of long-outstanding recommendations for five years or more

15. A review of 138 recommendations in 20 JIU reports and notes addressed for action to IAEA during the period 2006-2009 showed that at the beginning of January 2016, there were 56 outstanding recommendations for five years or more, for which action should have already been taken by IAEA to either accept and implement or to reject them (see annex III). With 41 per cent of the recommendations issued during this period still open, IAEA is among the organizations with the highest percentage of outstanding recommendations.

16. Action by IAEA is required to clear these long outstanding recommendations, as applicable. Five years or more after being sent for action no recommendation should appear as acceptance “not available” or “under consideration”, implementation “in progress”, “not available” or “not started”. They should be either accepted or rejected and the implementation of those accepted for the most completed. Action should be taken to clear this backlog.

Recommendation 2

The Director General of IAEA should ensure that action is taken to clear the backlog of long-outstanding recommendations, as accounted in the WBTS, and report to JIU by 1 June 2016.

D. No significant difference between the rates of acceptance and implementation of recommendations addressed to the executive head and to the legislative bodies

17. At the majority of JIU participating organizations, the rates of acceptance and implementation of recommendations addressed for action to the executive head during the period 2006-2012 are higher than the rates of acceptance and implementation of recommendations addressed for action to the legislative body. This could be explained by the fact that, 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.

18. At IAEA, however, there is no significant difference between them, as shown in table 3 below, despite the fact that the organization's legislative bodies do not consider and take action on JIU reports and recommendations. In this regard, **the Inspector would appreciate receiving more information for a better understanding of this issue.**

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

	IAEA executive head	IAEA legislative body
Rate of acceptance	35.6%	34.8%
Rate of implementation	60.8%	62.5%

*As of August 2015

III. CONSIDERATION OF REPORTS BY IAEA LEGISLATIVE BODIES

19. A note proposing a "pilot scheme" for the consideration of JIU reports was sent to IAEA in 2001 to which IAEA responded in 2002 with a position paper introducing two major modifications to the proposed procedures related to the relevance of JIU reports. A draft GOV/INF document intended for presentation to the Board of Governors was attached. Apparently, the "contentious issues" could not be resolved and no agreement was finally reached. **The Inspector would welcome a proposal by IAEA on the way forward to resolve this pending issue.**

A. Dissemination of JIU reports

20. The above-mentioned letter of 15 September 2005 from the Director of the IAEA Office of Internal Oversight Services to the JIU Chair stated that the IAEA has "consistently applied the following practice concerning JIU reports. The Board is informed of all reports issued by the JIU each year and advised where copies of those reports may be obtained. JIU reports of direct relevance to issues before the Agency's governing bodies are brought to the attention of these bodies in the context of their consideration of the relevant issue. The IAEA will also continue to make use of relevant parts of the reports for the activities of the Office of Internal Oversight Services".

21. During the 2012 JIU review of management and administration of IAEA, the Inspector noted that member States were informed of JIU reports. A list of JIU reports produced during the preceding year was published in 2012 for the information of Governors and the relevant Board document indicated that copies of the reports were available in the VIC Library on the JIU website (www.unjiu.org).⁶ The Inspector welcomes this practice.

22. The JIU has no access to the IAEA intranet; therefore, it is not possible to determine whether this practice is still in place. The response to question 4 of the JIU questionnaire indicates that JIU reports are distributed to member States and the response to question 6 indicates that JIU reports are not distributed to legislative bodies' members. Therefore, the Inspector sought clarification as to whether the above practice was maintained, to no avail.⁷ **The Inspector would appreciate receiving the requested clarification on whether IAEA continues distributing to member States the list of JIU reports issued and requests that the reference to the JIU website be replaced by hyperlinks to the relevant reports, so as to facilitate access to them.**

B. Consideration of JIU reports

23. Based on the decision of the Board of Governors at its 523rd meeting on 14 September 1978 to accept the JIU statute on the condition that the Unit would not become a subsidiary organ of the legislative bodies of the Agency, JIU reports are not considered by the legislative organs of the Organization. Neither the reports included in the programme of work of the Unit at the request of AIEA nor the 2012 JIU Review of Management and Administration of AIEA (JIU/REP/2012/13, which recommendations to improve the management and administration of the organization are still outstanding as per our records) have been considered. **The Inspector is of the opinion that the recommendations that could have a positive impact on the efficiency of the organization should be brought to the attention of IAEA legislative bodies, as appropriate.**

24. We would appreciate receiving a response to this management letter and recommendations by 1 June 2016.

⁶ GOV/INF/2012/14.

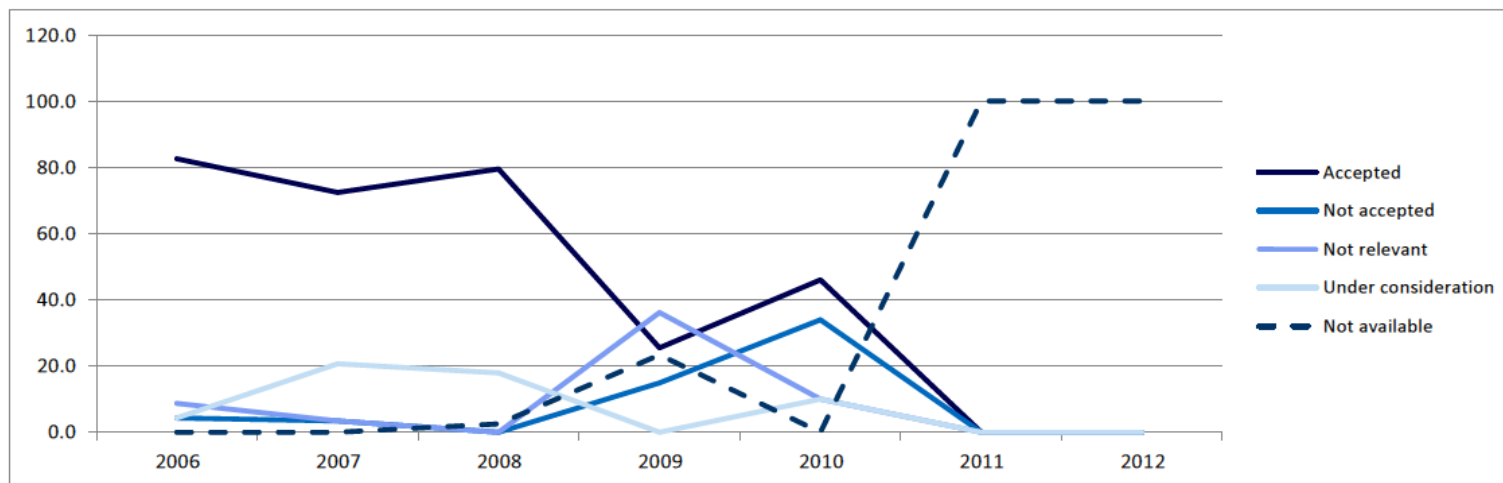
⁷ JIU email of 26 January to IAEA focal point.

Annex I
Rates of acceptance and implementation by organization (2006-2012)

	<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	All organizations	80.4
ILO	68.2	UNFPA	80.1
UN	67.0	WIPO	78.2
All organizations	65.0	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
IAEA trend of acceptance and implementation of JIU recommendations (2006-2012)

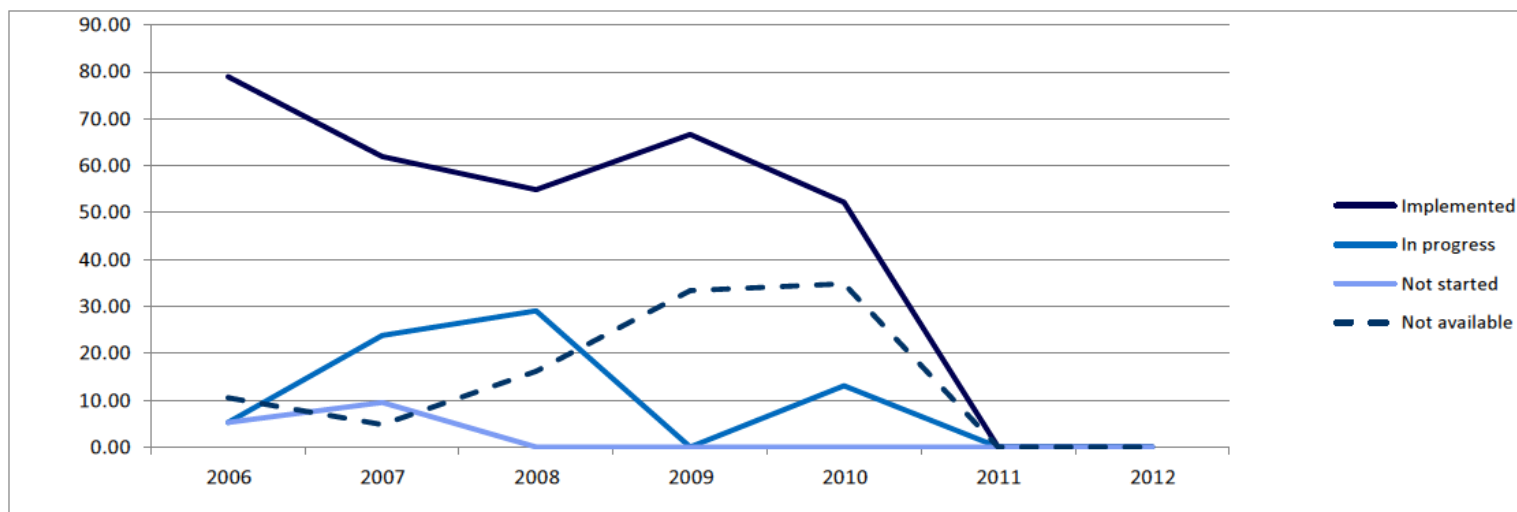
Acceptance



%	2006	2007	2008	2009	2010	2011	2012
Accepted	82.6	72.4	79.5	25.5	46.0	0.0	0.0
Not accepted	4.3	3.4	0.0	14.9	34.0	0.0	0.0
Not relevant	8.7	3.4	0.0	36.2	10.0	0.0	0.0
Under consideration	4.3	20.7	17.9	0.0	10.0	0.0	0.0
Not available	0.0	0.0	2.6	23.4	0.0	100.0	100.0

Values	2006	2007	2008	2009	2010	2011	2012
Accepted	19	21	31	12	23	0	0
Not accepted	1	1	0	7	17	0	0
Not relevant	2	1	0	17	5	0	0
Under consideration	1	6	7	0	5	0	0
Not available	0	0	1	11	0	57	55

Implementation



%	2006	2007	2008	2009	2010	2011	2012
Implemented	78.95	61.90	54.84	66.67	52.17	0.00	0.00
In progress	5.26	23.81	29.03	0.00	13.04	0.00	0.00
Not started	5.26	9.52	0.00	0.00	0.00	0.00	0.00
Not available	10.53	4.76	16.13	33.33	34.78	0.00	0.00

Values	2006	2007	2008	2009	2010	2011	2012
Implemented	15	13	17	8	12	0	0
In progress	1	5	9	0	3	0	0
Not started	1	2	0	0	0	0	0
Not available	2	1	5	4	8	0	0

Annex III
Long-outstanding recommendations for five years or more (2006-2010),
as of January 2016

Report/note/ML	Recommendation No.	Status
JIU/REP/2006/2	1	Implementation: In progress
	5	Acceptance: Under consideration
	9	Implementation: Not available
	17	Implementation: Not available
JIU/REP/2006/4	2	Implementation: Not started
JIU/REP/2007/1	2	Acceptance: Under consideration
	3	Acceptance: Under consideration
	4	Acceptance: Under consideration
	5	Acceptance: Under consideration
	6	Implementation: Not started
	7	Implementation: Not started
JIU/REP/2007/2	1	Acceptance: Under consideration
	5	Acceptance: Under consideration
JIU/REP/2007/4	3	Implementation: In progress
	8	Implementation: In progress
JIU/REP/2007/6	2	Implementation: In progress
	5	Implementation: In progress
JIU/REP/2007/10	6	Implementation: Not available
	8	Implementation: In progress
JIU/REP/2008/2	4	Implementation: In progress
JIU/REP/2008/3	1	Implementation: In progress
	7	Implementation: In progress
JIU/NOTE/2008/4	14	Implementation: In progress
	15	Implementation: In progress
	18	Implementation: In progress
	19	Implementation: Not available
JIU/REP/2008/4	1	Implementation: Not available
	3	Implementation: Not available
	6	Implementation: Not available
	11	Implementation: Not available
JIU/REP/2008/5	1	Acceptance: Under consideration
	2	Acceptance: Under consideration
	6	Acceptance: Not available

JIU/REP/2008/6	1	Implementation: In progress
	2	Implementation: In progress
	3	Implementation: In progress
	4	Acceptance: Under consideration
	5	Acceptance: Under consideration
	6	Acceptance: Under consideration
	7	Acceptance: Under consideration
	8	Acceptance: Under consideration
JIU/REP/2009/5	6	Implementation: Not available
	7	Implementation: Not available
	15	Implementation: Not available
	16	Implementation: Not available
JIU/REP/2009/8	1	Acceptance: Not available
	4	Acceptance: Not available
	5	Acceptance: Not available
	6	Acceptance: Not available
	7	Acceptance: Not available
	9	Acceptance: Not available
	10	Acceptance: Not available
	11	Acceptance: Not available
	12	Acceptance: Not available
	13	Acceptance: Not available
JIU/REP/2009/9	1	Acceptance: Not available
Total outstanding recommendations		56