

HANDLING OF JIU REPORTS BY ICAO

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I. INTRODUCTION

United Nations General Assembly resolution 50/233 of 7 June 1996 has established the principle that “*the impact of the Unit (JIU) on the cost-effectiveness of activities within the United Nations system is a shared responsibility of the Member States, the Unit and the secretariats of the participating organizations.*”

In this context, the Joint Inspection Unit, for its part, has been making efforts to fulfill its own responsibility which is certainly one of the necessary conditions for enhancing the effectiveness and impact of its activities.

While continuing its own efforts, JIU has reviewed the practices of the participating organizations in their handling of JIU reports.

The organizations covered in the exercise are, in addition to ICAO, the United Nations (including 4 of its affiliated bodies: UNDP, UNICEF, UNHCR and WFP) and the 11 other participating organizations (ILO, FAO, UNESCO, WHO, UPU, WMO, ITU, IMO, WIPO, UNIDO and IAEA), using the JIU reports produced during the last five years (1994 - 1998) as samples.

The matters examined in the exercise are mainly:

1. Distribution practices regarding JIU reports;
2. Criteria for selecting JIU reports to be taken up by legislative organs;
3. Agenda items under which JIU reports are considered;
4. Secretariat papers/comments (on JIU reports) submitted to legislative organs, and decisions by legislative organs on JIU reports/recommendations (e.g., specific decisions on recommendations or only ‘take note’ of reports and comments thereon, or no decision at all); and
5. Follow-up actions by secretariats on the implementation of JIU recommendations.

On each of these matters, this Note¹ presents the current practice of ICAO, followed by JIU comments and recommendations addressed to the Secretary General of ICAO.

The Joint Inspection Unit looks forward to working closely with ICAO’s Secretary General, and his secretariat, on ways to improve the handling of its reports.

¹ Separate Notes are being prepared for each organization.

II. MATTERS OF CONCERN RELATING TO THE HANDLING OF JIU REPORTS

1. Distribution practice regarding JIU reports

1.1 Current practice of ICAO

The entire reports of interest to ICAO are distributed to “*representatives on the Council* [which is the governing body] *and representatives to ICAO*” (C-WP/11106, 6/5/99).

1.2 JIU Comments and Recommendations

JIU Statute Article 11, paragraph 4(c) stipulates that “*upon receipt of [JIU] reports, the executive head or heads concerned shall take immediate action to distribute them, with or without their comments, to the States members of their respective organizations*”.

The availability of JIU reports to the “*States members*” of the respective organizations is considered to be the very first step for enhancing “*the impact of the Unit on the cost-effectiveness of activities within the United Nations system*”. In this context, the practice of ICAO, as indicated in 1.1 above, is considered to be in the right direction.*

** But the number of reports actually distributed is rather limited as referred to in footnote 2.*

Nevertheless, as a supplement to the current practice of ICAO, JIU intends to make its reports available on-line through its planned Website.

RECOMMENDATION 1:

As a supplement to the current distribution practice of ICAO, and on the basis of Recommendation 2(2) below, the Secretary General, upon receipt of JIU reports, may wish to inform ICAO States members of the titles of the reports received, as well as of the available option of accessing the reports on the JIU Website (once established).

2. Criteria for selecting JIU reports to be taken up by legislative organs

2.1 Current practice of ICAO

The selection of reports to be presented to the Council² is based on:

- (a) content and recommendations (if relevant and/or of interest to ICAO); and
- (b) comments by the Executive Head (Secretary General) and/or ACC.

2.2 JIU Comments and Recommendations

The current practice of ICAO, as indicated in 2.1 above, could be reinforced through meaningful interactions and dialogues, as recommended below.

RECOMMENDATION 2:

- (1) *Upon receipt of the first draft of a JIU report for comments, the Secretary General would:***
 - (a) *indicate whether the report is, in his opinion, relevant to ICAO; and, if not, indicate why; and***
 - (b) *ensure that the comments are specific in addressing each of the recommendations of the report, including indication whether some or all of the recommendations could be accepted by him without legislative action.***
- (2) *JIU would take the comments in (1) above into account in deciding whether the Unit believes the report in final form should be submitted to the Secretary General, in accordance with Article 11, paragraph 4(a) of the Statute, for consideration by the Council of ICAO.***

² Actually, 6 JIU reports - JIU/REP/94/9, JIU/REP/95/2, JIU/REP/95/5, JIU/REP/95/10, JIU/REP/97/1 and JIU/REP/98/2 - were taken up by the Council between 1996 and 1999.

3. Agenda items under which JIU reports are considered

3.1 Current practice of ICAO

Selected JIU reports are considered under the subject "Relations with the United Nations, the Specialized Agencies and other International Organizations".

3.2 JIU Comments and Recommendations

For the purpose of facilitating effective consideration of JIU reports by legislative organs, it is important to place the reports under appropriate substantive agenda item(s), as a contribution from a subsidiary body of the ICAO Council, assuring at the same time sufficient time for consideration.

Accordingly, United Nations General Assembly resolution 50/233, in operative paragraph 4, requested the United Nations Secretary General, and invited other executive heads, "to take the necessary measures to ensure that the thematic reports of the Unit are listed under the appropriate substantive agenda items of ... legislative organs".

RECOMMENDATION 3:

On the basis of the intent of operative paragraph 4 of United Nations General Assembly resolution 50/233, the Secretary General may wish to arrange that:

- (a) JIU reports are placed under appropriate substantive agenda item(s) in the light of their subject matter; and***
- (b) sufficient time is allocated for consideration of JIU reports, with Inspector(s) introducing reports as an established practice.***

4. Secretariat papers/comments (on JIU reports) submitted to legislative organs, and decisions taken by legislative organs on JIU reports/recommendations

4.1 Current practice of ICAO

- (a) In addition to the JIU reports of interest which are distributed separately in full text (see 1.1), a summary of the reports together with the comments thereon of the ACC are submitted (in a Council Working Paper/C-WP) to the Council.
- (b) According to the most recent practice, the Secretariat paper in (a) above contains a brief suggested action by the Council:

“The Council is invited to note the information provided in paragraphs ...; and provide further guidance if necessary.” (C-WP/11106)

- (c) With regard to decision, the Council generally takes *“the necessary action as suggested [by the Secretariat] to be taken.”* This, however, may imply, in actual terms, that the Council members are not interested in taking decisions. Thus, for instance:

“As no request had been received ... to have [the Secretariat paper on the JIU report in question] tabled for discussion ..., the President of the Council indicated that he considered that the Council had noted the information provided therein” (paragraph 14 of the Council decisions contained in C-DEC 157/8, dated 16 June 1999).

4.2 JIU Comments and Recommendations

By inviting *“the legislative organs of ... participating organizations to take concrete action on the recommendations of the Unit”*, the United Nations General Assembly, in its resolution 50/233, intended to improve the impact and effectiveness of the JIU, and to facilitate the follow up on (implementation of) JIU recommendations approved by the respective legislative organs.

In this context, it is important that:

- (a) the statutorily-required comments on JIU reports by the executive heads and/or ACC should be prepared in time for the relevant meetings of legislative organs in order to facilitate an effective and timely consideration of JIU reports before they have become obsolete;
- (b) secretariat papers on JIU reports submitted to legislative organs should assist in leading to concrete actions on each of the recommendations contained in JIU reports as indicated in (c) below; and
- (c) legislative organs do not limit action on JIU recommendations to just taking note of them, or to just endorsing the comments by the executive heads and/or ACC. Instead, legislative organs are urged to take specific actions along the lines proposed in Recommendation 4³ below.

³ A similar recommendation had already been made in the JIU annual report contained in United Nations General Assembly document A/38/34, which was subsequently adopted by the General Assembly in its resolution 38/229 of 20 December 1983.

RECOMMENDATION 4:

The Secretary General is urged to encourage the Council to take specific decisions (endorse, modify or reject) on each of the pertinent recommendations contained in the JIU reports, basically along the following lines:

- (a) Approves recommendations ..., and ...;*
- (b) Approves recommendations ..., and ...taking into account the comments thereon by the Secretary General (and/or ACC; and/ or the debate in the session);*
- (c) Reserves its position on recommendations ...; and*
- (d) Does not approve recommendations*

5. Follow-up actions by secretariats on the implementation of JIU recommendations

5.1 Current practice of ICAO

- (a) The position of ICAO is that if a decision by the Council is only to 'take note', no follow-up is necessary (but if a specific decision is taken, then it is necessary to follow up on it).
- (b) Two cases are cited as follow-up by the ICAO Secretariat:
 - (i) the designation of the Regional Directors along the line of the JIU recommendation; and
 - (ii) the consolidation of oversight activities into a single office, i.e., the Office for Programmes Evaluation, Audit and Management Review, in light of the conclusions and recommendations stemming from JIU/REP/95/2.

5.2 JIU Comments and Recommendations

- (a) Although JIU acknowledges some follow-up actions by the ICAO Secretariat as referred to in (b) above, it is to be noted that the implementation of JIU recommendations is the final and most important step in assuring the effectiveness of JIU activities.

In this context, Article 12 of the JIU Statute stipulates:

“Executive heads of organizations shall ensure that recommendations of the Unit approved by their respective competent organs are implemented as expeditiously as possible. Such implementation may be subject to verification by the competent organs of the organizations ...”.

- (b) This issue has been addressed in an annex (“Towards a more effective system of follow-up on reports of the Joint Inspection Unit”) to the JIU annual report contained in United Nations General Assembly document A/52/34, and the proposed follow-up system contained in the document has just been endorsed by the General Assembly in its resolution 54/16 of 29 October 1999.

RECOMMENDATION 5:

- (1) *The Secretary General of ICAO is invited to proceed with the implementation of the follow-up system on JIU reports along the line proposed in the annex of JIU annual report A/52/34.***

- (2) *In this context, and on the basis of Article 12 of the JIU Statute as well as following the good practices in some other organizations⁴, the Secretary General may wish to submit regularly to the Council status reports concerning the measures taken on the implementation of the approved JIU recommendations, as well as on the recommendations not requiring legislative actions but accepted by the Secretary General and/or ACC.***

Such status reports could also include information and analysis on the impact derived from implementation of JIU recommendations.

⁴ (1) The United Nations General Assembly requested the Secretary-General to submit to it report on the implementation of the recommendations of the JIU as early as 1972 (res 2924B (XXVII) of 24 November 1972) Subsequently, in one of its most recent resolutions (res 52/220 of 13 February 1998), the General Assembly requested "that the individual sections of the programme budget for the biennium 2000 - 2001 contain a summary of the relevant recommendations of the internal and external oversight bodies and, for each recommendation, information on the follow-up action taken " (2) UNESCO's Executive Board included, in one of its recent decisions (155 EX/52) taken in October 1998, a provision to the effect that the Director General should report regularly on the implementation of the approved recommendations (3) WMO Executive Council recently approved a resolution which contains a provision that the WMO Secretary-General should give careful consideration to the implementation, as appropriate, of the JIU recommendations which are pertinent to WMO, and to report to the Council (4) IMO Council endorsed "the intention of the IMO Secretary-General to make every effort to observe the new procedures (i e , the follow-up system contained in the annex of JIU annual report A/52/34) at least in respect of the JIU reports which are of direct relevance to the work of IMO"