

HANDLING OF JIU REPORTS BY ILO

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Geneva
1999

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I. INTRODUCTION

The 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 ILO, the United Nations (including 4 of its affiliated bodies: UNDP, UNICEF, UNHCR and WFP) and the 11 other participating organizations (FAO, UNESCO, ICAO, WHO, UPU, ITU, WMO, 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 of 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 ILO, followed by JIU comments and recommendations addressed to the Director-General of ILO.

The Joint Inspection Unit looks forward to working closely with ILO's Director-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 of JIU reports

1.1 Current practice of ILO

JIU reports are made available to members of the ILO's legislative organ(s) upon request only; namely, according to our understanding, a distribution procedure was established in 1979 that:

“Under the system of reduced circulation, the Director-General sends to all members of the [Programme, Financial and Administrative] Committee [PFA], a list of JIU reports issued over a period of time and on which he proposes to submit comments to the Governing Body. The list also indicates which of the JIU reports will be [the] subject of inter-agency consultations before being formally brought to the attention of the Committee and the Governing Body. Copies of the JIU reports mentioned in the list are made available to any member of the Committee or the Governing Body on request, but are not distributed automatically ...” (GB.209/PFA/2/7, February-March 1979).

This practice of distribution was reiterated in one of the recent documents by being stated that:

“... with a view to achieving savings and reducing the considerable volume of the related documents, especially as system-wide reports of the JIU will already be in the hands of Member States from other sources, such as the United Nations, the practice decided by the Governing Body since 1978 has been to make the JIU reports available to members of the Programme, Financial and Administrative Committee () or the Governing Body (GB) on request.”* (GB.273/PFA/8/1, November 1998, para. 4)

* The same distribution procedure applies if the subject matter of a JIU report falls into the competence of the Committee on Technical Cooperation²

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”³ 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, it should be noted that, because of the tripartite composition, availability of JIU reports “*in the hands of Member States from other sources*” is not tantamount to the availability of the reports in the hands of all members of the ILO's legislative organ(s).

As a supplement to the distribution practice of ILO, JIU intends to make its reports available on-line through its planned Website.

² In principle, “ reports concerning issues of oversight, management, administration have been . discussed by the Programme, Financial and Administrative Committee (PFA), while the reports dealing with aspects of technical cooperation have been dealt with by the Committee on Technical Cooperation ” (GB 273/PFA/8/1, para 5)

³ In the case of ILO, this should be read as covering Governments, Employers and Workers

RECOMMENDATION 1:

- (1) *With a view to ensuring that JIU reports are available to all members (Governments, Employers and Workers) of the ILO's legislative organ(s), the JIU reports submitted for action in accordance with the JIU Statute, Article 11, paragraph 4 and Recommendation 2 (2), should be transmitted to the legislative organ(s) in full as part of the documents containing the comments of the Director-General as well as those of ACC when statutorily required (see also section 4).***
- (2) *Furthermore, as a supplement to the above (1), the Director-General, upon receipt of JIU reports, may wish to inform all ILO members of the titles of the reports received as well as of the available option of accessing the JIU Website (once established) for the reports.***

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

2.1 Current practice of ILO

In addition to the reports concerning ILO, selective system-wide reports of relevance to ILO are taken up⁴ as far as comments of the ACC thereon are available⁵. Furthermore, "... *the annual report of the JIU is submitted to PFA for information.*" (GB.271/PFA/7/4, para. 5)

2.2 JIU Comments and Recommendations

The current practice of ILO, 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 Director-General would indicate whether the report is, in his opinion, of relevance to ILO; and***
- (2) *JIU, by taking into account the comments in (1) above, would indicate which reports the Unit believes should be considered by the relevant legislative organ(s) of ILO when JIU submits "the original version [of the report]" to the Director-General, in accordance with Article 11, paragraph 4(a) of the Statute.***

⁴ For the last five years, about ten JIU reports were actually taken up by the ILO legislative organs.

⁵ "In accordance with the established practice, JIU reports are submitted to the Governing Body for consideration when comments of the ACC thereon are available" (GB 273/PFA/8/1, para 7)

3. Agenda items under which JIU reports are considered

3.1 Current practice of ILO

According to the current practice, JIU reports taken up by PFA are considered under agenda item "Other Financial and General Questions", and reports taken up by the Committee on Technical Cooperation are placed under agenda item "Reports of the United Nations Joint Inspection Unit".

3.2 JIU Comments and Recommendations

For the purpose of facilitating an effective consideration of JIU reports by legislative organs, it is important to place the reports under appropriate substantive agenda item(s).

Accordingly, the 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 spirit behind operative paragraph 4 of United Nations General Assembly resolution 50/233, the Director-General may wish to review and improve the current arrangements of ILO for handling the reports of JIU, ensuring in particular that:

- (a) JIU reports be placed under appropriate substantive agenda item(s) in the light of their contents; and***
- (b) sufficient time be 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 ILO

- (a) Contents or degree of details of the Secretariat paper vary depending upon the JIU reports; sometimes Secretariat papers contain rather extensive summaries of the reports (e.g., JIU/REP/97/1: GB.271/PFA/7/5). The Director-General's comments are also specific sometimes.
- (b) Usually no legislative action is suggested in the paper (a) above, and the general practice of the legislative organs is just 'taking note' of the JIU reports/recommendations as a whole (GB.273/PFA/8/1, paras. 6 and 7).

4.2 JIU Comments and Recommendations

By inviting "*the legislative organs of ... participating organizations to take concrete action on the recommendations of the Unif*", 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 comments⁶ 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 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 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 4⁷ below.

RECOMMENDATION 4:

The Director-General is urged to encourage the relevant legislative organ(s) of ILO 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 Director-General (and/or ACC; and/ or the debate in the session);***
- (c) Reserves its position on recommendations ...; and***
- (d) Does not approve recommendations***

⁶ The statutorily-required comments on JIU reports (Article 11 4 (d) and (e)) are not always prepared in a timely manner. Furthermore, these comments, generally speaking, appears to be, once in a while, at variance with the earlier comments made on the first draft of JIU reports

⁷ Similar recommendations have already been made in the JIU annual report contained in United Nations General Assembly document A/38/34

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

5.1 Current practice of ILO

Apparently there is no follow-up system in place with regard to the implementation of JIU recommendations⁸. The position of the ILO Secretariat on this matter is:

- (a) *“The introduction of the proposals included in Annex I [follow-up system] of the annual report (A/52/34) of the JIU would necessitate changes in current procedures and practices established by the Governing Body regarding the handling of JIU reports.”* (GB.271/PFA/7/4, para. 5, March 1998)
- (b) *“Since the proposals supplement the procedures set out in the JIU Statute and would increase the obligations that the Statute places on organizations, the Office feels that it would be more appropriate for the proposals to be submitted to the General Assembly of the United Nations in the form of concrete amendments to the Statute. If adopted by the General Assembly, in accordance with article 21 of the Statute, it would be for each organization to decide whether or not to accept them.”* (GB.273/PFA/8/1, para. 13, November 1998)

5.2 JIU Comments and Recommendations

- (a) 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, as referred to in 5.1 above. In the opinion of the Joint Inspection Unit, the proposed follow-up system does not imply an amendment to the JIU Statute since it is merely a procedural mechanism, based on the Statute and on a number of United Nations General Assembly resolutions; in particular, on resolution 50/233 of 7 June 1996.

⁸ According to our understanding, however, there are established systems/procedures/practices regarding the implementation of the recommendations of the ILO's External and Internal Auditors, i.e., (a) *“a system of follow-up has been introduced to ensure that all recommendations (made by the ILO's Internal Auditor and External Auditor) are properly followed up”*; (b) the ILO Secretariat is required to report to the PFA on action taken in response to the Auditors' recommendations; and (c) the Accountability Committee established in February 1998 is empowered, as one of its functions, to examine cases of persistent failure to implement the recommendations of the External and Internal Auditors.

RECOMMENDATION 5:

Pending further consideration by the ILO's legislative organ(s) of the follow-up system on JIU reports proposed in the annex of JIU annual report (A/52/34), the Director-General, on the basis of Article 12 of the JIU Statute and following the good practices in some other organizations⁹, may wish to submit regularly to the relevant legislative organ(s) 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 agreed-upon by the Director-General and/or ACC.

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

⁹ (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, 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".