

HANDLING OF JIU REPORTS BY WIPO

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

The Joint Inspection Unit looks forward to working closely with WIPO’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 regarding JIU reports

1.1 Current practice of WIPO

JIU reports are made “available for reference in the International Bureau” and not distributed by WIPO, because “the said JIU reports were distributed by the United Nations to all States members of WIPO and the Unions administered by WIPO” (Report of the Director General contained in document AB/XXXI/4, dated 30 June 1997, para. 1675).

Background information as provided by WIPO Secretariat on the above:

- (1) The practice referred to above has always been WIPO’s practice regarding the distribution of JIU reports.
- (2) This practice was presented to WIPO’s Governing Bodies in 1982, in the Activities Report (document AB/XIII/2) which indicated the acceptance by WIPO of the Statute of the JIU with effect from January 1, 1982. Following a listing of the reports of the JIU received during the period covered by that Activities Report, which concerned, among other organizations, WIPO, the following was stated (paragraphs 436 to 439 of document AB/XIII/2):

436. *Copies of the said reports were distributed to, among other States, all the States members of WIPO by the United Nations, on behalf of the United Nations and of other organizations, under a procedure agreed in 1978 between the JIU and the Administrative Committee on Coordination (ACC).*

437. *In accordance with Article 11.4(e) of the Statute of the JIU, representatives of the Director General took part in consultations within the framework of the ACC for the preparation of joint comments on the said JIU reports.*

438. *The said joint comments are distributed by the United Nations to member States in the form of documents submitted to the General Assembly of the United Nations. The Director General has no separate comments to make, in addition to the said joint comments, on matters concerning WIPO contained in the reports of the JIU.*

439. *In view of the fact that the reports of the JIU are already in the possession of Governments through arrangements made by the JIU in the interests of economy through the avoidance of duplication, and that the ACC joint comments thereon are distributed by the United Nations, the said reports and comments should be considered as submitted to the Coordination Committee by virtue of the said distribution and of the reference to them in this document. However, should any member State wish to receive copies of the said reports or those of the said joint comments which have already been distributed also from the International Bureau, the Director General will send copies on request and, in any case, copies will be available, in sufficient numbers, in the conference room at the time of the session.*

- (3) The report of the 1982 sessions of WIPO’s Governing Bodies states, *inter alia*, the following (document AB/XIII/7, para. 19):

“The three Governing Bodies, each as far as it is concerned, noted with approval the reports and activities contained or referred to in documents AB/XIII/2, 3 and 4, the reports of the Joint Inspection Unit and comments thereon referred to in the said documents,”

- (4) The Secretariat does not recall any cases where a representative of one of its Member States requested a copy of a JIU report from the International Bureau.

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*”.

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

RECOMMENDATION 1:

- (1) *With a view to ensuring that JIU reports are available to States members of WIPO’s legislative organs, the JIU reports submitted for action in accordance with the JIU Statute, Article 11, paragraph 4 and Recommendation 2(2) below, should be transmitted to the legislative organs in full as part of the documents containing the statutorily required comments of the Director General/ACC (see also section 4).***
- (2) *As a supplement to the current WIPO practice, the Director General, upon receipt of JIU reports, may wish to inform 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 WIPO

The legislative organs of WIPO have not taken up any JIU reports so far for discussion.

2.2 JIU Comments and Recommendations

The current practice of WIPO, as indicated in 2.1 above, could be ameliorated through enhanced 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 WIPO; 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 organs of WIPO when JIU submits “the original version [of the report]” to the Director General, in accordance with Article 11, paragraph 4(a) of the Statute.***

3. Agenda items under which JIU reports are considered

3.1 Current practice of WIPO

According to the Secretariat, JIU reports in the past were placed under the agenda item "Activities from [date] to [date]." Since that item no longer exists on the agenda, it is planned to have JIU reports referred to under the agenda item "United Nations Resolutions and the Administrative Committee on Coordination (ACC)"².

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), as a contribution from a subsidiary body of WIPO for consideration of the 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 intent of operative paragraph 4 of United Nations General Assembly resolution 50/233, the Director 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 at the same time***
- (b) sufficient time is allocated for consideration of JIU reports, with Inspector(s) introducing reports as an established practice.***

² Actually, the attention of the WIPO General Assembly (24th session, 20-29 September 1999) was drawn to the JIU report "Results-based budgeting" (JIU/REP/99/3) "through the addendum document WO/GA/24/3 Add. entitled "Resolutions and Decisions of the United Nations, the Administrative Committee on Coordination and the Joint Inspection Unit" (Mr. Keefer's letter dated 30 September 1999 addressed to JIU Chairman refers).

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 WIPO

- (a) As a general practice, the WIPO Secretariat just indicates to their legislative organ the list of the JIU reports received by them. (Exceptionally, in the case of JIU/REP/94/1 “*United Nations System Support for Science and Technology in Africa*”, brief information on the report was provided. AB/XXVI/6, para. 1492)³
- (b) No specific decisions have been taken in the past by WIPO’s legislative organs with regard to JIU reports.

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) the practice of presenting just the titles of JIU reports for information purposes only should be discouraged. Instead, 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 4⁴ below.

RECOMMENDATION 4:

The Director General is urged to encourage the relevant legislative organs of WIPO 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***

³ According to the WIPO Secretariat, there was in the past a section in the Activities Reports submitted to the Governing Bodies, headed “Joint Inspection Unit” under the agenda item “Cooperation with the United Nations System Organizations”, which listed the JIU reports received during the period under review which concerned, among other organizations, WIPO. To respond to the recent request in United Nations General Assembly resolution 50/233 that thematic JIU reports be listed under the appropriate substantive agenda items of the legislative organs, an appropriate cross-reference was added in the 1996 Activities Report, which was considered by WIPO’s Governing Bodies at their September-October 1997 sessions.

⁴ 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 WIPO

In the light of 4.1(b) above, no follow-up has been considered necessary by the WIPO Secretariat.

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/52/34⁵.

RECOMMENDATION 5:

- (1) ***The Director General of WIPO 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 organizations⁶, the Director General may wish to submit regularly to the relevant legislative organs 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 Director General and/or ACC.***

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

⁵ The proposed follow-up system contained in JIU annual report A/52/34 has just been endorsed by the Fifth Committee of the United Nations General Assembly (General Assembly document A/C.5/54/L.5)

⁶ (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”