

HANDLING OF JIU REPORTS BY IMO

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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 IMO, 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, WMO, ITU, 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 IMO, followed by JIU comments and recommendations addressed to the Secretary-General of IMO.

The Joint Inspection Unit looks forward to working closely with IMO’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 IMO

- (a) Copies of JIU reports to be taken up by the IMO Council are distributed to the Council members (JIU reports are, in practice, annexed to the papers submitted by the Secretariat, but limited to one copy each per Council member).
- (b) Furthermore, it has been the practice of IMO to regularly inform Council members of the titles of the JIU reports received in a Note by the IMO Secretary-General.

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 the very first step for enhancing “the impact of the Unit on the cost-effectiveness of activities within the United Nations system”, and, in this context, the current practice of IMO, as indicated in 1.1 above, is considered to be appropriate.

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

RECOMMENDATION 1:

As a supplement to the current practice of IMO, the Secretary-General, in informing IMO States members (through his 'Note') of the titles of the JIU reports received, may also wish to indicate 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 IMO

All system-wide reports (as well as annual reports) are taken up as a matter of principle.

2.2 JIU Comments and Recommendations

The IMO practice, as indicated above, could be regarded as a model for other organizations.

3. Agenda items under which JIU reports are considered

3.1 Current practice of IMO

JIU reports are considered under the separate agenda item, "*Joint Inspection Unit*".

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 IMO, 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 2:

On the basis of the intent of operative paragraph 4 of United Nations General Assembly resolution 50/233, the IMO 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 IMO

- (a) Secretariat papers on JIU reports submitted to the Council contain a brief summary of the JIU reports (in addition to annexing the full texts to the Secretariat papers as indicated in 1.1 above), as well as brief comments thereon by the Secretary-General of IMO.
- (b) At the same time, the papers in 4.1(a) above contain a suggestion by the Secretariat, which typically reads:

*“The Council is invited to take note of the information contained in the document [which includes the attachments], and to comment or decide, as it may deem appropriate.”**

** According to the Secretariat, the Council is in no way restricted to ‘note’ or comment; it can take decisions and instruct the Secretariat as it deems appropriate.*

- (c) According to the Secretariat, if the issues are not of direct concern to IMO, no specific decision is taken, but ‘note’ is ‘taken’ of the information provided (the Council generally endorses the IMO Secretary-General’s comments). However, in the cases where the Council has a special interest, the decision by the Council could be more than simply ‘take note’.

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 comments² 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.

² 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, appear to be, once in a while, at variance with the earlier comments made on the first draft of JIU reports. In order to facilitate preparation of the final drafts of JIU reports as well as the subsequent decision-making process on them, comments on the first drafts should be specific in addressing each of the recommendations of the JIU reports, including indication whether some or all of the recommendations could be accepted by the executive heads without legislative actions.

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 3:

The IMO 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 IMO

(a) According to the IMO Secretariat:

"If the Secretary-General reports on action already taken by him or proposed to be taken, the Council, at its discretion, may either note or endorse the Secretary-General's action, which may also need follow-up. If, in the Secretary-General's opinion, a matter requires [the] Council's decision prior to implementation, he seeks such decision. In other words, depending on the context, follow-up may be involved when the Council takes note, endorses or decides."

- (b) In this context, at its 80th session (June 1998), the IMO Council endorsed the Secretary-General's intention to make every effort to observe the new procedures ("*Towards a more effective system of follow-up on reports of the Joint Inspection Unit*" contained in the annex of JIU annual report A/52/34⁴) at least in respect of the JIU reports which are of direct relevance to the work of IMO.

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) IMO's positive stance on the question of follow-up in general and on the proposed follow-up system specifically, as referred to in 5.1 (a) and (b) above, has been noted.

RECOMMENDATION 4:

On the strength of the positive stance of IMO regarding the proposed follow-up system as referred to in 5.2(b) above, and on the basis of Article 12 of the JIU Statute, as well as taking into account also the good practices in some other organizations⁵, the IMO 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.

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

⁴ This follow-up system has now been endorsed by the United Nations General Assembly in its resolution 54/16 of 29 October 1999.

⁵ (1) The United Nations General Assembly requested the Secretary-General to submit to it a 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 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.