

WIPO Coordination Committee

**Sixty-Sixth (43rd Ordinary) Session
Geneva, October 1 to 9, 2012**

REPORT

adopted by the Coordination Committee

1. The Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/50/1): 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 35, 36, 37 and 38.
2. The report on the said items, with the exception of items 35 and 36, are contained in the General Report (document A/50/18).
3. The report on items 35 and 36 is contained in the present document.
4. Mr. Kwok Fook Seng (Singapore) was elected Chair of the Coordination Committee; Mr. Francisco Alberto Lima Mena (El Salvador) and Mr. Tiberio Schmidlin (Italy) were elected Vice-Chairs.

ITEM 35 OF THE CONSOLIDATED AGENDA

ANNUAL REPORT ON HUMAN RESOURCES

5. The Chair opened the session by expressing his appreciation to the outgoing Chair. After welcoming the new Vice-Chairs of the Committee, he conveyed the order of proceedings, *i.e.*, Agenda Items 35 and 36, for consideration by the WIPO Coordination Committee. This would be followed by a statement by the President of the WIPO Staff Association.
6. Discussions were based on documents WO/CC/66/1 and WO/CC/66/1 Corr.
7. The Secretariat provided an overview of documents WO/CC/66/1 “Annual Report on Human Resources” and WO/CC/66/1 Corr. It was stated that the report covered human resources (HR) activities in the period from mid-2011 to mid-2012 and HR statistics as at December 2011. Workforce metrics included a staff of 1,240, a number which had been largely unchanged for three years, efforts to rebalance regular and temporary staff, and implementation of decisions of the WIPO Coordination Committee in 2010 and 2011 to regularize long-serving temporary employees (LSTEs). Ninety nine per cent of WIPO’s workforce was based in Geneva, and only 10 staff were in offices in New York, Rio, Singapore and Tokyo. Sixty-five per cent of staff held permanent contracts and 33 per cent fixed-term contracts. The rest were on various types of short-term appointments. Upcoming retirements in 2013 were 1.1 per cent and in 2014 some 1.9 per cent of the workforce. With regard to HR reforms, progress was made on several key initiatives, and as part of the Strategic Realignment Program (SRP). The creation of an enabling regulatory framework for HR management would be largely achieved with the proposed revision of the Staff Regulations and Rules (SRR) taking effect on January 1, 2013. The Organizational Design (OD) initiative was aimed at critically examining the distribution of staff resources and ensuring that resources were properly aligned with WIPO’s program of work and priorities. Performance Management and Staff Development was another key element of the reforms, so were the introduction of an Enterprise Resource Planning (ERP) system and of an Ethics and Integrity system. The long-term outcome of these initiatives would improve efficiency and transparency, result in a higher level of accountability and foster a conducive and supportive work environment for WIPO staff. A number of improvements in process efficiency and quality were made, particularly in recruitment and performance management. On the latter, the high rate of compliance was noted, but also the need for more training in elements of the performance management process, including in goal setting and planning, in providing constructive performance feedback and in addressing underperformance. Improvements were also made in training and development, with some 1,600 training units provided. Training resources were applied towards the achievement of organizational objectives as well as to training for new tools, including in IT and in the areas of HR policy such as performance management and recruitment. Some resources were provided for training in staff career development. Cost-efficiency gains were made by joint language training contracts with other United Nations (UN) organizations in Geneva. The OD would be integrated in the annual planning process.
8. The Secretariat stated that with regard to the coming period, the development of a comprehensive HR strategy was a priority. Improved policies and processes in the hiring of staff, in the treatment of short-term staff and in job classification also needed to be implemented. A review of the internal justice system and of the time management system was planned to be completed in 2013.
9. The Secretariat indicated that it was keen to improve future versions of the Annual Report on Human Resources, taking into account suggestions received from Member States. Specifically, the improvements would permit comparison between WIPO and other UN organizations on key HR benchmarks, include more information on costs, reflect better integration of training costs and make reference to the implementation of audit

recommendations. The Secretariat confirmed that it would engage in a dialogue with Member States in this regard.

10. In implementing HR reform, the Secretariat reaffirmed its commitment to working closely with managers, staff and staff representatives and with Member States.

11. The Delegation of the United States of America thanked the Secretariat for the report and commended WIPO for establishing an Ethics Office and for issuing a Code of Ethics, adding that the implementation of the code would be of continued interest to the United States of America. The Delegation expressed disappointment that WIPO had not yet completed the development of a whistleblower policy, which was long overdue. The Delegation expressed the view that the policy introduced by the UN Secretariat in 2005 (ST/SGB/2005/21 of December 19, 2005) should be considered the 'gold standard' and that WIPO should model its own policy along that of the Secretariat. Furthermore, the Delegation commended the whistleblower policy of the World Meteorological Organization (WMO) issued in April 2012 as another good model from which WIPO could take guidance. The Delegation noted that its Government had asked WIPO for a copy of the draft policy and that a copy was provided, and that some amendments were proposed. The Delegation expressed the view that the policy should be adopted without further delay. While noting that the issuance of the policy was overdue, the Chair also acknowledged the challenges WIPO faced in balancing the interests of a broad range of stakeholders including Member States, WIPO's paying customers, the staff and staff representatives.

12. The Delegation of Spain commended the Annual Report on Human Resources as a good initiative and encouraged the Secretariat to proceed with plans to improve future versions of the report by adding more practical examples, statistics and graphics to help readers understand the objectives being pursued. Comparative tables with information from UN system organizations and best practices would be welcome. The Delegation also expressed the view that the report should clearly reflect objectives and timeframes. Furthermore, and noting that two-thirds of WIPO's budget was spent on staff, information on cost saving and efficiency measures would be welcome.

13. The Delegation of the Russian Federation expressed gratitude for the Annual Report on Human Resources. While appreciating the problems related to the development of a good global system of intellectual property, the Delegation took issue with repeated attempts to politicize the work and to cast doubt on the legitimacy of the technical cooperation program of WIPO as regards the Democratic People's Republic of Korea (DPRK) and the Islamic Republic of Iran. The Delegation noted that after the Sanctions Committee of the UN Security Council had pronounced its findings that there was no breach of sanctions, the matter should end there. The Delegation further expressed the view that the sanctions imposed on these countries did not terminate the membership of these countries in WIPO and that, therefore, these countries had a right to continue receiving technical cooperation for the development of their patent system. With reference to the report prepared by independent experts, the Delegation expressed some disappointment because it was not entirely clear what the sources were and whom the independent experts were. The Delegation considered this a superficial and biased approach. It also expressed the fear that the situation now created could result in making cooperation with WIPO by other organizations very difficult. The Delegation stated that the Russian Federation did not support the recommendations in the report of the independent experts, which it considered contrary to the work of the Organization. It stated that as regards restrictions on the supply of computer technology and other technology to these countries, it was not WIPO's job to be concerned with this. The Delegation added that if Member States had questions in future, it was a matter for the Sanctions Committee of the UN Security Council. Turning to management issues and reverting to HR management, the Delegation noted that with regard to certain members of the Secretariat, problems with discipline and ethics at work had been observed. It expressed the view that certain personnel of the Secretariat went beyond

their competence and that it was only Member States who could give an assessment of the leadership of the Organization, especially on issues regarding UN Security Council sanctions. It noted that personnel of any specialized agency gave an undertaking that they were working in the interests of international cooperation. The Delegation further stated that it wished to call attention to this issue and link it with disciplinary measures and the respect of the internal regulations of the Organization.

14. During the course of the intervention by the Delegation of the Russian Federation, a point of order was raised by the Delegation of the United States of America who felt that the intervention by the Delegation of the Russian Federation did not pertain to the point under discussion. At the invitation of the Chair, the Delegation of the Russian Federation clarified that it was intending to address the point under discussion and was giving the background to the comments that it would make. The Chair asked the Delegation of the Russian Federation to proceed.

15. The Delegation of Germany noted that the improvement of the Annual Report on Human Resources was a long-term project which would benefit from the introduction of the ERP system in 2015. It noted that the report could already be improved before that with existing financial information, and making long-term developments more understandable. The Delegation warned against overloading the report and against including follow-up on audit recommendations since external and internal audit committees have their own follow-up mechanisms. It further noted that future reports should not contain decision points. In thanking WIPO for the report, the Delegation appreciated the Secretariat's willingness to work with Member States on improving future versions of the report.

16. The Delegation of the Republic of Korea thanked the Secretariat for the comprehensive Annual Report on Human Resources. It expressed interest in following up on the results of the OD review and suggested that the WIPO Coordination Committee be kept abreast of the planning of projects. However, the Delegation stressed that this should not be interpreted as micromanaging the Secretariat.

17. The Delegation of Venezuela (Bolivarian Republic of) wished to echo the Chair's earlier comment about the challenges faced by WIPO in balancing the requirements of its stakeholders. It cited the example that Member States were demanding more transparency and more detailed reports, but for the Secretariat, responding to such demands was not without costs. Referring to the Delegation of the United States of America's request for rules to protect staff, the Delegation wished to remind the WIPO Coordination Committee that this would also result in a cost for the Organization.

18. The Chair summarized that the delegations had expressed two clusters of views. The first related to the whistleblower policy, which, had it been available, might have enabled WIPO to better manage certain situations which arose in the past year. The other suggestions that were made, and with clear intent on not micromanaging the Director General and the Director of HRMD, were about the readability of the report, getting it more aligned to UN common system practices and taking into account the differing information needs of Member States, of which there was a great variance. The Chair acknowledged that there was great receptiveness from the Secretariat and the Director General in responding positively to these suggestions. This was demonstrated in the willingness to be transparent. Copies of the whistleblower policy were made available to delegations on request, but not distributed to everyone, which would result in a huge exercise which might not bring true convergence. The Chair noted that HR decisions and the decision points were the Director General's to make. Member States could give him broad direction and guidance, but the equation in this relationship was that the Director General ran the Organization and Member States should not micromanage it. With reference to earlier statements from Member States about politicization of methods, the Chair noted that there was a politicized atmosphere and sometimes not necessarily healthy.

The Chair added that how Member States choose to approach these issues would make a difference, it could either exacerbate the situation, or it could help the Director General in steering the Organization in the desired direction.

19. The WIPO Coordination Committee took note of the information provided in the Annual Report on Human Resources as per:

paragraph 60, on status reports, projects launched in 2011 and 2012, and projects and policies to be implemented “The WIPO Coordination Committee is invited to take note of paragraphs 1 to 59.”

paragraph 71, on the termination of employment contracts “The WIPO Coordination Committee is invited to note the information provided on the agreed terminations and the termination for abolition of post.”

paragraph 73, on the ICSC report “The WIPO Coordination Committee is invited to note the information contained in the preceding paragraph.”

paragraph 75, on the UNJSPF report “The WIPO Coordination Committee is invited to note the information contained in the preceding paragraph.”

ITEM 36 OF THE CONSOLIDATED AGENDA

REVISION OF THE STAFF REGULATIONS AND RULES

20. Discussions were based on document WO/CC/66/2.

21. The Secretariat introduced a reformed version of WIPO Staff Regulations and Rules (SRR), the result of a consultation process between WIPO staff representatives and management spanning nearly two years with more than 50 consultation sessions. The SRR were subjected to intensive scrutiny by a consultative body established for this purpose by the Director General. The Secretariat thanked both the staff representatives and management representatives for their work, adding that both Chairpersons (staff representative and management) were invited to be present for the presentation. The Chairperson representing the staff was absent and so only one Chair was available today. The Secretariat noted that the aim of the review was to make the SRR more compatible with modern administrative and management norms and best practice in the UN system. The consultation process resulted in a significantly improved version of the SRR in a largely consensual manner. Where the consultative body was unable to achieve consensus, the Director General made decisions in the interests of the Organization, after hearing both sides. In doing so, he had to balance the views and preferences of staff representatives with those of management. Two entire chapters remain to be reviewed in 2013 and presented for approval to the WIPO Coordination Committee.

22. The Secretariat noted that the revised SRR would provide more clarity on the terms of employment for temporary staff, the use of temporary contracts would be brought within a contractual framework and would be more tightly regulated, and it represented an important improvement for WIPO staff. The SRR would provide more responsiveness and agility in meeting certain staffing needs and provide for lighter and faster recruitment processes. There would be improvements in the classification process, regulating more carefully the use of reclassification and bringing it within the framework of organizational planning. Classification rules foresaw that career progression by way of reclassification was regulated, requiring a competitive process for reclassification from General Service to the Professional category, from

Professional to Director and within the Director category. Safeguards which prevented undue career progression through repeated requests for reclassification were introduced.

23. Another important and new element in the revised SRR related to the reporting of misconduct and protection of whistleblowers. The new regulation was synchronized with WIPO's internal oversight charge. Internal rules in the form of an office instruction would be in place providing detailed guidance to staff on how to deal with instances of alleged misconduct and describing the terms for the protection of staff who participated in a protected activity.

24. Compensation for staff who work overtime would be more flexible.

25. Staff and managers would benefit from the revised SRR in several ways. In addition to clarity on the reporting of alleged misconduct and protection of whistleblowers, other important benefits related to LSTEs who would have proper employment contracts with clear terms from January 1, 2013. Staff and managers would have more clarity about the conditions in which jobs could be reclassified. Managers could better compensate staff during times of peak workload. Managers would be able to hire staff for limited periods more quickly.

26. The two important chapters in the SRR on Disciplinary Measures and Appeals had to be reviewed. This would be preceded by a review of the internal justice system in the coming months. By second quarter 2013, the Consultative Group would resume its work and review the two remaining chapters. Other amendments to this version of the SRR might become necessary as well in 2013. Should the UN General Assembly make decisions regarding the UN retirement age, amendments to the SRR would be necessary.

27. A large number of policy instruments such as office instructions and guidelines needed to be synchronized with the revised SRR so that by January 1, 2013, WIPO would have a solid regulatory framework which would serve as a basis for sound and efficient HR management.

28. The Delegation of the United States of America wanted to go into greater detail with regard to Regulation 1.7. The Delegation stated that it expected the Staff Council to be represented at this meeting to hear any areas of disagreement that still existed over the draft SRR, adding that the Delegation would reserve the right to speak on any draft regulations or rules where it would find out during this meeting, one way or another, that there was some disagreement. The Delegation, referring to the investigation that was carried out, recalled that there were 11 specific recommendations directed towards WIPO management in terms of not having a repetition of what had occurred. It noted that there could be different views on what constituted micromanaging and that it could vary from issue to issue. The Delegation sought confirmation that WIPO would have the whistleblower policy in place by January 1, 2013, adding that the policy should be in place as soon as possible, and that the gold standard, i.e., the policy of the UN Secretariat, served as a model. The Delegation noted that a copy of the policy had been requested of WIPO, and was indeed provided, that track changes were made with specific amendments to the text. Specific shortcomings to the draft provided by WIPO were noted, including absence of an affirmative duty in the text to report misconduct and cooperate with audits and investigations. Besides, the provisions on interim relief were considered inadequate and the definition of protection was considered too narrow. A further problem was on what to do when the auditors had a conflict of interest in investigating a *prima facie* case of retaliation, in particular, if the IAOD did not want to go forward, there needed to be another channel for investigation. The Delegation noted that the persons covered by the policy needed to be broadened. The statute of limitations on when a complaint could be filed should not be limited to 12 months. The Delegation noted that there were some subjective elements in the draft, such as somebody deciding that an accusation was made with reckless disregard. The Delegation considered that this was not appropriate.

29. The Chair noted that the draft SRR were before the WIPO Coordination Committee for approval following a long process of consultation between staff representatives and management. He added that this was for the Member States to approve on recommendation from the Director General. The Member States could set broad direction and express the desire to see certain aspects of the rules of how WIPO should be managed. However, Member States were not to enter into the minutiae of managing the details of decision-making which the Director General had. It was for that reason that the representatives of the Consultative Group were to be here. Unfortunately, the Co-Chair who represented the staff was ill today. Otherwise, she would have been here. Even if she were present as Co-Chair, the Chair noted that he was not prepared to have a direct discussion between the Member States and the Staff Council because that would in effect provide a basis for Member States to micromanage issues in the realm of the Director General. The Chair added that it was an annual practice to invite the Staff Council to hear its views. However, this was an opportunity to hear the concerns of the staff they represent, not an opportunity for dialogue. The WIPO Coordination Committee did not dialogue with a segment of the staff. The interlocutor for the WIPO Coordination Committee was the Director General and the senior management.

30. The Delegation of Spain observed that, relatively speaking, it wished, in a constructive spirit, to compare the procedure with that of the negotiation and approval of the revision of the WIPO Internal Oversight Charter (IOC), the terms of reference governing external audit and the terms of reference of the WIPO Independent Advisory Oversight Committee (IAOC). The Delegation felt that, with regard to those matters, more time had been made available for reflection, as well as more information on the changes and the reasons behind many of the proposals. The Delegation suggested that more time might be set aside to look at the changes planned for the following year, the aim being not to micromanage, but rather to ensure that comprehensive information was available with respect to important issues concerning both budgetary matters and the functioning of the Organization. The Delegation had three specific questions: What were the budgetary implications? Would the revisions result in cost savings? Had the internal auditors or the IAOD been consulted concerning any of the proposed measures?

31. Seconding the Chair's earlier point of order, the Delegation of Venezuela (Bolivarian Republic of) pointed out that the role of the Member States was to elect the right person to direct the Organization and its management, and that Member States needed to provide support and guidance, without attempting to take on the role of a "court" and "judging" what the management was doing. The Delegation recalled that this had been stated on several occasions in previous Assemblies where the Member States had seen unfortunate events occurring.

32. The Chair noted that the Director General had been extremely hands-on in briefing many of the Geneva-based Ambassadors. He had regular series of meetings and Ambassadors received the big picture and were told what was happening without the level of detail that the experts had to grapple with. Understanding the desire for greater clarity, and recognizing that work was perhaps sometimes done in less than ideal timeframe due to the rush in the months before the General Assembly, the Chair noted that in the context of the Secretariat itself, a balance must be struck in the interests of all the stakeholders and there must be a considerable consultation with the staff and their representatives as their buy-in was so critical to moving forward on many of these issues. Whenever delegations had asked for information, there was no unwillingness to provide it.

33. In responding to the questions from the Delegation of Spain, the Secretariat underscored that detailed information had been issued on changes made to the SRR in the form of a three-column document which had been published before the September 19 briefing. On the question of cost savings, the Secretariat stated that there were not direct but indirect savings through more efficient management and less potential for conflict and disputes which were

costly for the Organization. With regard to the IAOD, the Secretariat noted that this body did not review the SRR. On the question of additional costs, the Secretariat reminded that this had already been raised in the Program and Budget Committee and that information had been made available on WIPO's web site in this regard. The annual cost of these changes would be two million Swiss francs per year and provisions to absorb these costs were made in the current biennium. For 2014/15, the additional costs would be included in the budget.

34. The Director General paid tribute to the excellent collaboration that existed between the representatives of the Staff Association and the management on the Consultative Group. One of the Chairs was, in fact, on the podium. There was another hard-working Chair that participated throughout this process. The Director General stated that it was an exemplary process. It naturally took quite a long time to go through the whole SRR with the exception of two chapters that had been mentioned by the Delegation of the United States of America. Concerning those two chapters, the agreement with the Staff Council was that an external consultant who would provide advice on best practices with respect to the administration of justice in the UN system. This would be the subject of a new process which would go forward over the coming 12 months in the Consultative Group. The Director General added that this new process should bear fruit in the form of draft regulations or revision to the draft regulations that were before the WIPO Coordination Committee in 12 months' time. He added that the Consultative Group met on more than 50 occasions. For this reason it was difficult to get the document out in a timely manner to Member States. The three-column document that was made available prior to the briefing for Member States here in Geneva on September 19, 2012, specified or indicated very precisely the changes in the SRR. The cost information was posted on the WIPO web site.

35. In relation to cost, the Director General noted that certain costs were additional. This was a logical consequence of the change in the structure of the contract framework that the WIPO Coordination Committee approved one year ago. This change resulted in the elimination of the widely perceived injustice of having LSTEs involved and absorbing them into a contract framework which enshrined equal pay for equal work. With regard to disagreements between the representatives of management and those of the Staff Council, a procedure was agreed on for this. There were less than 10 items in the whole document that were not the subject of agreement between all the members of the Consultative Group, and on which Director General after taking into account all views, took a decision.

36. In noting the remarks of delegations and the response of the Secretariat, the Chair noted that some of the increased costs arose from the implementation of measures highly supported by both Member States and the staff, such as the regularization of LSTEs. In encouraging delegations to support the proposed revisions, the Chair said that he would impose on the Director General and senior management the need to continue remaining open to consultation and provide any information that Member States sought with a view to a continuous process of improvement.

37. The Delegation of Spain regretted that there had been insufficient time to consider all information and expressed concern about increasing costs by two million Swiss francs per year. This reinforced the need for cost efficiencies, without jeopardizing the objectives of the Organization.

38. There being no further comments or remarks on document WO/CC/66/2, the WIPO Coordination Committee approved the WIPO Staff Regulations and Rules Chapters I through IX, and Chapter XII and their Annexes.

39. The WIPO Coordination Committee approved document WO/CC/66/1, as follows:
- (i) paragraph 68 concerning amendments to the WIPO Staff Regulations; and
 - (ii) paragraph 82 regarding the new Staff Regulation 3.24 on mobility and hardship.

STATEMENT OF THE PRESIDENT OF THE WIPO STAFF ASSOCIATION

40. The President of the WIPO Staff Association delivered his address to the WIPO Coordination Committee. The text of his statement is reproduced as an Annex to this document.

[Annex follows]

STATEMENT BY MR. AZZEDDINE MONCEF KATEB, PRESIDENT OF THE WIPO STAFF ASSOCIATION, TO THE FIFTIETH SERIES OF MEETINGS OF THE ASSEMBLIES OF THE MEMBER STATES OF WIPO

October 2012

Your Excellency the Ambassador of Singapore,
Chair of the Coordination Committee,
Honorable delegates,
Ladies and gentlemen,
Dear colleagues,

Mr. Chair,

First of all, may I, on behalf of the Staff Association, sincerely congratulate you on your election as Chair of the Coordination Committee. I also address my congratulations to your two Vice-Chairs. I wish you and your Vice-Chairs every success in your work and in the discussions you will have in this august assembly. I would also like to thank you and your predecessor, his Excellency, the Ambassador of Estonia, Mr. Jüri Seilenthal, for the quality of work that was done under his leadership. I would like to stress too the quality of the relationship that we had with him and particularly the attentive hear that he gave to our complaints.

In coming into this room, Mr. Chair, there are two things that I feel. The first is a feeling of pride and the second is a feeling of unease. I don't know which of these two feelings is the strongest at the time of speaking. While the feeling of pride is based on the fact that I belong to the World Intellectual Property Organization, which I have known for decades, if my pride rests on the fact that the duty of loyalty to the international civil service that I respect and will respect, I have a feeling of unease because there are a number of malfunctions that have attracted my attention. I am up here on the podium today because I intend to inform you of these malfunctions and to inform the Coordination Committee about them.

It is not about negotiating anything with the Member States. It is about informing them of a number of facts and it is up to them to make the use of them as they think fit, in the full sovereignty they exercise here.

Mr. Chair, last year, and you will recall that the Staff Council was not present at this august assembly. We felt calm and we wanted to issue a short and concise message because we thought that the relations between the staff and the management should be on that basis. And I am thankful to your predecessor for having given that message. Today, the Staff Council is physically present and would like to send out a message to you. Six hundred and seventy four people out of 1,152 posts, that is 64 per cent of the staff and of the budgeted posts. In other words, we are representative and are speaking on behalf of all our colleagues. Now, what has happened since last year? First of all, a partial revision of the Staff Regulations and Rules were adopted by the Coordination Committee. After that – and this is a notable event – there was a change in the Internal Audit and Oversight Division (IAOD). Very recently a new Director of the Human Resources Management Department (HRMD) took over. I have to point out that the reform which was adopted last year was adopted hastily. The Administration had omitted to budget for the impact of that reform and that is why it was impossible to implement the partial reform. Now we have a real problem regarding the implementation of the Staff Regulations regarding temporary appointments. The deadline was set to enter into force on January 1, 2012, however the Administration still considers that the entry date is July 1, 2012. It is my duty to draw your attention to the fact that these different entries into force have led to a

great deal of frustration among our temporary staff. This way of implementing the decisions taken in the Coordination Committee is something we have views on because we do not understand why these measures have been introduced late.

Mr. Chair, when I said that a new Director took over in IAOD, I want to welcome that, since the new Director took over on January 16, 2012, we have had exceptionally good and calm relations with him as compared to his predecessor. I have to say that his predecessor left without an audit being made of his functions over his five years in office. I think that is totally unacceptable and we would like the legislative body to take note of that.

I also would like to welcome once again Mrs. Moussa as Director of HRMD and wish her every success in her work. She has a very difficult task and I would like also to welcome the courage and dedication of all her colleagues in HRMD. We have undergone many reforms and chronic instability because this is the fifth Director of Human Resources in four years. I expect the Coordination Committee to draw the necessary conclusions from that.

Mr. Chair, the Coordination Committee has just adopted a few moments ago an important document which is going to govern the relationships between staff and management for the next 20 years. I will not go back to that meeting session as it is now closed; we have distributed a position document to Member States.

I would just like to say that this is just the first phase, that much important work has to be done and now this document has to be implemented. We hope that the Administration will apply this document with the necessary rigor and that it will observe it throughout all the recruitment processes, career management, reclassification, and that the Ethics Code will be promulgated as soon as possible, as our Organization has an important deficit as regards ethics. Without ethics, the Strategic Realignment Program has the least chance of success. The staff is waiting for the introduction of procedures. It is waiting for them impatiently and it is my duty to inform the Coordination Committee that there has been some delay there.

On the subject of ethics, I would like to thank all Delegations which, at the Program and Budget Committee meeting and this session of the Coordination Committee, said that there was a need for whistleblower policy to protect staff when they denounce the facts relating to bad management or anything to do with corruption. It is high time that the Director General make a clear commitment in writing to ensure that the staff is protected. The feeling of fear should no longer be prevalent in the Organization.

Mr. Chair, when I mentioned the Staff Regulations and Rules, I would now like to focus on the following four points.

The present situation related to the recruitment system. The Staff Council expresses very serious concern on the subject. Twelve Director posts are under appeal. I would draw the Coordination Committee's attention to the fact that if the Administrative Tribunal were to cancel now these appointments, it would not only be illegal but a political issue in the Organization because we would have to take account of the acquired rights of the staff, but also proceed by competitive means. This is a matter of extreme concern. It is my duty to bring it to your attention.

I would also like to touch on the system of internal justice which is cumbersome, out of date, which doesn't work properly. And it is a system that raises very serious problems as regards the management of human resources. Two years ago from this very podium, I described the three colleagues who had been suspended. The Administrative Tribunal of the ILO has just overturned a dismissal decision that was adopted in March 2010 and has ordered that one colleague be reinstated in his post with all his rights, weighted at five per cent per annum in

addition to moral damages. A rough estimate by the Staff Council establishes the cost of damages that would be due to him at about 400,000 euros. I would like the Coordination Committee to know that the present structure of the Organization's financial statements does not make it possible for Member States to see what fines WIPO has to pay when found guilty by the Administrative Tribunal of the ILO. May I remind you that the funds used by the Organization belong to all the creators and innovators and all the Member States of the Organization and that these funds should be used with consistency and with rigor and those people guilty of abuses should have the administrative sanctions taken against them that are considered fit by the Member States.

Mr. Chair, the Assemblies have discussed technical assistance to certain Member States under Security Council sanctions. I would like to say that the Staff Council has taken note of the last letters sent by the President of the Sanctions Committee to the Director General, but has also taken note of the contents of the letters which asks for the implementation of the recommendations that the two independent investigators set out in their report. Now, why is this subject being brought up by the Staff Council today? The reason is simple: it is a question of ethics here regarding the implementation of measures by international staff and when these measures are violated or likely to be, we feel it is our duty to point out these inconsistencies. This is what the Staff Council has done. It was not going beyond its remit. It has acted in line with its regulations.

The Staff Council wants the greatest degree of transparency as regards these agreements so that all Member States can make their contribution at the right time, and even before these agreements are agreed on and implemented.

Mr. Chair, the Staff Council is also concerned by what is happening as regards procurement. Member States have heard about the delays to the new conference hall. Staff was never informed about that. We were informed through certain office instructions that had been published where the Secretariat said it was going to depart from the financial rules by disregarding the usual tenders procedure. But the staff is also concerned by the newest works that have been going on in the new building since it was inaugurated. Costs have never been clearly indicated and the hidden defects were not revealed either. The Staff Council would like the management to clarify all these points.

We would like that necessary clarifications be given and also to express concern regarding the security service. Fairly serious incidents took place involving the staff of that service. The most serious was the beginning of a fire in the car park in the AB Building. The alarm system did not work and the staff was lucky to get out alive, thanks to prompt intervention by the Geneva firemen. I would like to remind you that the main responsibility for the management, i.e., the Director General, is to protect all staff and to take the safety measures that are appropriate. The Staff Council has asked for an independent inquiry into the causes of this event. No follow-up was given to this request. To date, staff is still unaware of the reasons why the fire started, and also of the financial consequences because the Organization came to a stand still for one-and-a-half days.

In addition, we would like to report on a number of facts which have been reflected in the report published by Reuters press agency. And there you read that the document entitled "Commitments" is in circulation and indicates that supposed commitments were made by the Director General to recruit certain officials in the Organization following his election in 2008. The Staff Council has seen that document and was even invited to comment on it, which it declined to do. However, the overlap between the document and the reality we see within the Organization suggests that there may be some credibility to these allegations. The only way to remove any doubt is to ensure that all officials who may be implicated in that document are under a serious investigation and that the investigation is extended to their equipment and

facilities so as to determine whether any serious actions did occur. It is not going to be enough to have a simple denial from the Director General.

Mr. Chair, I would like to finish with three observations.

First of all, I would like more general transparency in the Organization. We have seen a culture of secrecy in this Organization for some time. And with all due respect that I have for this august assembly and for you, Mr. Chair, and this Coordination Committee, I would like to say that a few moments ago we just saw that, with the adoption and the approval of the Staff Regulations and Staff Rules, because the representative of the Staff Council was not invited to be present in the room but should have, at the very least to take note of what was happening. I apologize for being frank about this, but it is my duty to say that.

Now, secondly, I would like to say that the Staff Council, contrary to what has been said, does not contest the authority of the Senior Management Team elected by the General Assembly but the Staff Council does have a role in identifying problems that you have asked us to look for. And that is what we are drawing your attention to. And that is what we are suggesting you should be reacting to within your remit and taking the message that you may deem necessary.

The third observation, Mr. Chair, is that today the Organization is undergoing a reform process. The Staff Council has never contested the need for that process, but that process must be a transparent one. It must be done from top to bottom. And the structural reforms necessary must also be made. Allow me on this point, even though this may seem premature, that the World Intellectual Property Organization, as it has been pointed out in the report of the Joint Inspection Unit in 2009, is the only Organization in which the Director General has a six-year renewable mandate. In other organizations of the common system, it is a four years only, limited over time. So the reform process should not be limited to the Staff Regulations and Rules; it could also be extended to a whole series of other structural measures which should also be subject of reform.

Mr. Chair, Distinguished delegates, it has been a pleasure to talk to you for the second time since my election to the Chair of Staff Council. I would like to thank you very sincerely for the attention you have given to me and my words and, Mr. Chair, thank you very much for inviting me to speak. Now I would like to conclude by wishing you the very best of success in your work and deliberations. Thank you very much.

[End of Annex and of document]