

WIPO Coordination Committee

Sixty-seventh (44th Ordinary) Session
Geneva, September 23 to October 2, 2013

DRAFT REPORT

prepared by the Secretariat

1. The Coordination Committee was concerned with the following items of the Consolidated Agenda (document A/51/1 Prov.3): 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 45, 46, 47 and 48.
2. The reports on the said items, with the exception of items 7, 45 and 46 are contained in the draft General Report (document A/51/20 Prov.1).
3. The reports on items 7, 45 and 46 are contained in the present document.
4. Ambassador Fodé Seck (Senegal) was elected Chair of the Coordination Committee; Ambassador Virág Krisztina Halgand (Ms.) (Hungary) and Ms. Alexandra Grazioli (Switzerland) were elected Vice-Chairs.

ITEM 7 OF THE CONSOLIDATED AGENDA

APPROVAL OF AGREEMENTS

5. Discussions were based on document WO/CC/67/1.

6. Introducing the Agenda Item, the Legal Counsel drew the attention of the Member States to the working document which was on approval of agreements. He said there were two agreements being proposed to the Coordination Committee for its approval, and wished to address two issues concerning the document. The first was in respect of comments the Secretariat had received relating to paragraph 1 of the document. He informed the Coordination Committee that this was the same language the Secretariat had always used in approval of agreements documents for as long as he could remember. But, it had been drawn to the Secretariat's attention that the language used was not very accurate, and he wished to assure members of the Coordination Committee that for any future agreements submitted for their consideration, the Secretariat would be sure to use language that was identical to what was found in Article 12(4) of the WIPO Convention, to ensure that the language was as accurate as possible. Secondly, he referred to Article 1(4) of the Agreement between the Organization and the Government of the People's Republic of China. The said Article referred to the provision of assistance in processing international applications filed under the PCT, Madrid and Hague systems by Chinese applicants. For purposes of the record, he stated that it was the understanding of the Secretariat, and was the understanding of the Chinese Government as well, that Article 1(4), when it referred to providing assistance, was referring to providing assistance to Chinese applicants in the filing of international applications under the PCT, Madrid and Hague systems, and any relevant customer services that would be required after the filing of those applications. He wondered if the Delegations of China and the Russian Federation wished to add anything to the introductory statement, but added that this was all for the consideration of the members of the Coordination Committee.

7. The Delegation of China said that it fully subscribed to the explanation of Article 1(4) of the Agreement between China and the Organization, and agreed that this understanding could be put on record.

8. The Delegation of the United States of America pointed out that it had tried to get the attention of the Chair to be on the roster just before the discussions began. It had chosen not to interrupt the Legal Counsel with a point of order, as he was making his introductory remarks. It had wanted to make a preliminary point about the conduct of the meeting, in particular the fact that observers and staff members of WIPO, including staff members of the most senior ranks down to the most junior ranks, were excluded from this meeting. Looking at the WIPO Convention, it noted that there was a set membership for this Coordination Committee and paragraph 7 of Article 8 said that any State member of the Organization that was not a member of the Committee could be represented by observers. There was no express exclusion of anyone else, and it seemed to the Delegation that it would be appropriate to permit and to welcome all such observers and any WIPO staff members that wished to attend. The Delegation said that Paragraph 8 of Article 8 provided that the Committee shall establish its own rules of procedure. But if there are no such rules that excluded observers, staff members, the media, then the Delegation was of the view that it was inappropriate to exclude them from the meeting. The Delegation said that it did not appreciate the rather heavy-handed security at some of the doors and wished to have it put on record that if there was no express exclusion of observers, staff members and so on, that they should be in the meeting and that all the doors to the meeting should be opened. According to the Delegation, there was nothing to hide in the meeting, given that they were dealing with documents that were public and issues that were of interest to Member States and staff members and certainly to observers of all types. In addition to that, the webcast transmissions of the deliberations were very helpful to those who could not be here, whether

they were here locally or in capitals. The Delegation said for all those reasons, it requested that the doors to the meeting be opened to all the aforementioned parties and include webcasts as well.

9. The Chair noted that this was a very relevant issue, and requested the Secretariat to provide some clarification on the issues raised by the Delegation of the United States.

10. In response to the comments raised by the Delegation of the United States, the Legal Counsel recalled that traditionally the Coordination Committee dealt with issues relating to staff matters, which were frequently of a confidential nature. He explained that the meetings of the Coordination Committee had always been restricted to the members of the Coordination Committee and all the WIPO Member States that were not members of the Coordination Committee. Intergovernmental organizations and nongovernmental organizations had never been invited to the meetings of the Coordination Committee. He referred to the information document that was provided to all Member States, document A/51/INF/1 Rev., in which it was stated that in respect of the Coordination Committee, it was expressly stated that only the Coordination Committee members and non-Coordination Committee WIPO Member States were invited to that meeting.

11. In reaction to the question raised by the Delegation of the United States of America, the Director General said that he personally, and the Secretariat, had no difficulties whatsoever about the question of webcasting the proceedings. On the question of the presence in the room of the Secretariat, in his view, this was simply a matter of efficiency for the Secretariat. He stated that in the week preceding the Assemblies every year, the Secretariat designated those staff members who were concerned with particular items. All staff were most welcome to watch the proceedings that were webcast. The Secretariat designated those that should be in the room in order to avoid the unnecessary waste of time on the part of staff members, and as the Member States could see, there was quite a significant number who were concerned with the various items that were on the agenda of the afternoon. He recalled that it rested within the prerogative of the Director General to decide which staff members were appropriate to be present. He said that those that wished to watch it on a webcast could do so, by all means, and there was only one qualification that he would give; since the Coordination Committee dealt with staff matters occasionally, but not always, there were items that arose that were of a sensitive personal nature. For example, the Director General had to report to the Coordination Committee on any dismissals that had occurred in the preceding 12 months. Occasionally, there may be reasons for proceedings to be in camera, but he did not see that any such reasons were before the Committee for the afternoon's proceedings.

12. Referring to the intervention by the distinguished Delegation of the United States of America during which it had referred to the WIPO Rules of Procedure, the Legal Counsel said that he simply wanted to draw the Delegation's attention to the WIPO General Rules of Procedure, in particular Rule 43, which talked about the publicity of meetings. According to the Rule, the meetings of the WIPO Conference and the WIPO General Assembly, as well as those of the Assemblies of the Unions shall be open, whereas those of the other bodies and of the subsidiary bodies were closed. The Coordination Committee clearly fell within the 'other bodies', and so it was the General Rules of Procedure that also provided for closed Coordination Committee meetings.

13. The Delegation of Belgium, speaking on behalf of Group B, thanked the Secretariat for document WO/CC/67/1 on approval of agreements. It wished to table some remarks with regard to the form, and also with regard to the substance of the agreements. First of all, with regard to form, Group B was of the opinion that both agreements did not comply with Article 12(4) of the WIPO Convention. On the other hand, it took good note of the explanations as provided by the Legal Counsel in that regard.

14. On substance, the Delegation said that several Member States had some further concerns. These only related to articles of one of the two MoUs, and suggested that the meeting could either take it up further bilaterally and in that regard (it welcomed the previous bilateral meetings which they had had with the Delegation concerned), or they could be tabled at a later stage. The Delegation said that the Group would reserve its position on the agreements at this stage.

15. The Delegation of Mexico said that it had just a doubt on procedure. It wished to know whether item 7 of the agenda was going to be dealt with now. The Delegation's understanding was that given that informal consultations were taking place simultaneously on external offices, which meant they had to be in both meetings at once, it was of the view that this item should not be discussed until the consultations were over.

16. The Chair said that the intervention from the Delegation of Mexico reflected what he was going to propose. The Committee needed to have a preliminary exchange of opinions on the issue at the request of several delegations, and this had been agreed on by all. He therefore proposed to move on to another agenda item, to give time for the consultations.

17. Re-opening Agenda Item 7 on Approval of Agreements, the Chair recalled that the Agenda Item had been opened the previous day, and a lot of consultations had been held since then and he was pleased to inform the Member States that the consultations had managed to produce a consensus. It was on the basis of these consultations that he asked the Legal Counsel to read out the results of the consultations.

18. The Legal Counsel read out the Chair's understanding, which was as follows:

"Regarding the China/WIPO Agreement, the Secretariat and the Chinese Government recognize that Article 1(4) of the China/WIPO Agreement is to be understood as providing assistance to Chinese applicants in the filing of their international applications under the PCT, Madrid and Hague systems and thereafter, providing any relevant customer services, as required, with regard to such filings.

"It is understood that all IT equipment will be procured in conformity with the applicable WIPO rules and practices.

"Finally, due note has been taken by the Secretariat of the concerns expressed regarding the procedure for the signature of the agreements.

"(1) The Coordination Committee approves the Agreement between WIPO and the Government of the People's Republic of China and the Agreement between WIPO and the Government of the Russian Federation, on the understanding of the statements made for the record by all concerned parties.

"In addition,

2 (a) The Coordination Committee also decides that WIPO will directly procure the required IT equipment for all WIPO external offices through its normal processes, and decides that all WIPO external offices will not conduct any activities relating to the processing of PCT, Madrid and the Hague System Applications, if so decided by the General Assembly.

2 (b) The Coordination Committee decides that in future the procedure described in Article 12 (4) of the WIPO Convention will be followed strictly, which means before the Secretariat concludes and signs any future external offices agreement, it will seek the approval of the Coordination Committee."

19. The Delegation of the United States of America, addressing its question to the Legal Counsel, referred to the last portion of paragraph 2(a). Considering the fact that the General Assembly, Coordination Committee, and the WIPO Conference were horizontal bodies, the Delegation wondered what effect the Coordination Committee decision would have on a General Assembly decision, and *vice versa*.
20. The Legal Counsel confirmed that the Coordination Committee and the General Assembly were parallel bodies, and what the Coordination Committee was doing at the moment was saying the General Assembly can take a decision in respect of an agreement, or in respect of other external office agreements or activities by external offices in the future. He pointed out that if the Coordination Committee preferred to transmit or to have it done through the Director General, for example, that could be done, in the event it did not want to authorize the General Assembly directly to take that decision referred to in the decision paragraph.
21. The Delegation of the United States of America said that its concern was that it seemed that although they were parallel bodies, a decision of the Coordination Committee was being conditioned, and was being made contingent on something happening in another body. It was certainly the intention of those delegations who helped draft the language, that the provision in 2(a) would be absolute, would be a clear decision by the Coordination Committee and, therefore, would be part of an overall decision that would stand alone and not dependent on any action by any other body. If for some reason some delegations wished to mention the General Assembly, another approach would be to replace what was proposed with “unless the General Assembly decides otherwise”, and reiterated its request to have a better explanation on the purpose behind these words that had been added to the original proposal that they had discussed in consultations.
22. The Delegation of France stated that France was pleased to participate in the informal consultations, and had also had bilateral consultations with the Delegations of China and the Russian Federation over several days and weeks, and it had not really changed position on this issue. It said it was favorable to the opening of WIPO offices in China and Russia. Obviously it had voiced its skepticism about the method used, and had indicated to the Russian and Chinese partners that it would have liked to have worked on the mandate in a preliminary fashion in order to avoid these tensions, but was again delighted that these informal consultations had cleared misgivings on both sides. The Delegation was of the view that the wording reflected the clarification that had been given on all sides, and expressed its support for the intervention by the Delegation of the United States of America, but was happy to go along with the decision of the Coordination Committee that gave the necessary comfort without reopening issues. With the point made by the United States of America, the Delegation of France was pleased to support the process for the opening of WIPO offices in China and in the Russian Federation.
23. The Delegation of the United States of America said that in the interest of compromise and reaching consensus and finally closing out this Agenda Item, its Delegation was willing to agree to the language read out by the Legal Counsel.
24. The Chair thanked the Delegation of the United States of America for its spirit of compromise and gave the floor to the Delegation of Algeria.

25. Speaking on behalf of the African Group, the Delegation of Algeria said that its Group was not opposed to the Agreement between WIPO and the Governments of China and the Russian Federation for the opening of new offices in the respective countries.

26. As there was no objection to the draft decision as reflected in the Chair's proposal read out by the Legal Counsel, the Coordination Committee adopted those decision paragraphs.

ITEM 45 OF THE CONSOLIDATED AGENDA

ANNUAL REPORT ON HUMAN RESOURCES

27. In introducing Agenda Item 45 "Annual Report on Human Resources", the Chair noted the three documents submitted for review by the World Intellectual Property Organization (WIPO) Coordination Committee, i.e., the Annual Report on Human Resources (document WO/CC/67/2), its Corrigendum (document WO/CC/67/2 CORR.), and the Summary of Decisions and Recommendations adopted by the Program and Budget Committee at its Twenty-First Session (document WO/PBC/21/21). He then invited the Secretariat to present the item.

28. The Secretariat summarized that the Annual Report on Human Resources provided an update on the status of WIPO's workforce, its composition, geographic and gender balance, workforce trends, staff costs and recent developments in human resources management. The WIPO Coordination Committee was invited to note and approve a number of human resources matters. Among the items for approval was a proposal to increase the normal age of retirement from 62 to 65 years for staff joining WIPO after January 1, 2014, in line with similar decisions made in other United Nations (UN) system organizations, following a recommendation from the United Nations Joint Staff Pension Fund (UNJSPF).

29. The Secretariat clarified that the Annual Report on Human Resources included an updated Human Resources Strategy setting out a high-level vision on how to manage a number of strategic risks and challenges affecting WIPO in the coming biennium. Key elements of the strategy were the need to ensure that WIPO was fit for purpose and had the capacity to respond adequately to evolving global intellectual property (IP) needs. Furthermore, there was a need to manage rising staff costs and to address gender and geographic imbalances. WIPO intended to continue to be an employer of choice and offer attractive and conducive work environments with competitive benefits and reasonable growth and development opportunities as well as incentives for outstanding achievements.

30. Other elements of the Annual Report on Human Resources provided updates on the implementation of improved management systems, which will render operations and reporting more efficient. The human resources module of the Enterprise Resource Planning (ERP) system was due to go live shortly, and improved workforce planning systems would be implemented very soon. The reform of the internal justice system was a further important element and would bring to a conclusion the revision of the Staff Regulations and Rules (SRR) and the issuance of approved human resources processes and policies which started in 2012.

31. Annex III of the Annual Report on Human Resources contained a summary of the activities of the Ethics Office. While the Ethics Office is an independent office located in the Office of the Director General, for convenience its second Annual Report was included as annex III to the Annual Report on Human Resources so that it could be considered in the context of staff matters. Among the highlights, the Secretariat noted the introduction of a Whistleblower Protection Policy, the launch of a mandatory Ethics and Integrity

Training Program, and significant increases in the level of awareness of ethical principles and procedures for reporting of misconduct at WIPO. The introduction of a Code of Ethics at WIPO was reported to the 2012 Assemblies. Mandatory ethics and integrity training for all staff had been implemented and more than 98 per cent of staff completed the training.

32. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked the Secretariat for the Annual Report on Human Resources, and the multiple informal briefings provided on the subject. The Delegation agreed on the importance of a new Human Resources Strategy, and at the same time, expressed some concerns about the substantial increase in staff costs. The Delegation invited the Secretariat to closely monitor staff costs and their medium and long-term implications. With regard to matters in the Annual Report on Human Resources for the attention of the WIPO Coordination Committee, the Delegation confirmed that (a) it took note of the termination of employment contracts over the past year, (b) noted the information contained in paragraphs 51 to 55 of the document to elect Mr. Vladimir Yossifov as a member of the WIPO Staff Pension Committee for the period until the ordinary session in 2017 of the WIPO Coordination Committee, (c) approved and adopted the staff matters in paragraphs 60 and 61 of the document, and (d) noted the information contained in paragraphs 62 to 65 of the document.

33. The Delegation of Ecuador thanked the Secretariat for the report and raised three points, namely, the importance of carrying out promotions according to the practices which are applied in the Organization, providing incentives for staff to render good services, ensuring that gender balance is achieved, and finally, with regard to staff dismissals, the importance of due process including affording employees the opportunity to explain their case.

34. The Delegation of China welcomed the Annual Report on Human Resources which assisted Member States to better understand the initiatives undertaken in the field of human resources. The Delegation welcomed the efforts undertaken by WIPO in this field and it hoped WIPO achieved, in accordance with the requirements and appeals from Member States, improved transparency in the work on human resources, while taking into account the needs of the operations and the need for gender balance and geographic balance.

35. The Delegation of Algeria, speaking on behalf of the African Group, congratulated the Chair on his election as Chair of this very important committee. With regard to the issue of human resources, the Delegation recalled its earlier interventions on behalf of the African Group on the subject of regional balance, where it had invited the Secretariat repeatedly to ensure an improved balance, noting that the report demonstrated that Group B was overrepresented in WIPO. The Delegation urged the Secretariat to recruit staff from other regional groups, competencies being equal, thus providing more opportunities for the countries of the African Group to be represented in WIPO.

36. The Delegation of Egypt congratulated the Chair on his election. Reaffirming the comments made by the African Group on behalf of the Development Agenda Group (DAG), the Delegation expressed its thanks to the Secretariat for the Annual Report on Human Resources. The Delegation confirmed its support for the Human Resources Strategy, and recalled its earlier statement in the Program and Budget Committee with regard to the need for balanced geographic distribution of staff in the Secretariat. The Delegation noted that this principle did not seem to be adequately implemented, even though it was not set out in the agreement of the Organization. The Delegation made reference to the Secretariat's statement that the policy on geographic distribution needs reviewing. The Delegation agreed with this assessment and expressed the view that

there was a need to start consultations on the matter as soon as possible to remedy the imbalances noted in the Secretariat's report.

37. The Delegation of France endorsed the statements made by other Delegations with regard to the importance of gender parity in the Organization. As regards geographic representation, the Delegation acknowledged the comments by other Delegations, noting also the importance of merit. The Delegation also pointed out that there were geographic realities, and that WIPO was located in a country which shared a very long border with another country, which had to be taken into account. The Delegation then made reference to the need to control salary costs. In this regard, the Delegation stated that the ratio of Director level posts was above five per cent, whereas in other organizations it was more like three per cent. The Delegation suggested that this element should be factored in during workforce planning so that a more realistic ratio between Director level posts and other posts be achieved, and one which was similar to other UN organizations.

38. The Delegation of Iran (Islamic Republic of) congratulated the Chair on his election and thanked the Secretariat for the documents provided and for the presentation. Recalling its intervention during the Twentieth and Twenty-First Sessions of the Program and Budget Committee, the Delegation noted that the issue of geographic distribution was a basic principle acknowledged by the UN Charter. The Delegation expressed concern over the lack of geographic representation in the Secretariat, and hoped that a number of initiatives and steps would be undertaken with consultation and approval of Member States, resulting in a clear strategy, time table and regular updates to Member States.

39. The Delegation of the United States of America welcomed the Annual Report on Human Resources referenced as document WO/CC/67/2. The Delegation made reference to another document, A/51/14, and particularly Agenda Item 11, in which the Program and Budget Committee requests the Director General to convey to the International Civil Service Commission (ICSC) a concern over rising staff costs. The Delegation wanted to reiterate the importance of this matter and to enquire as to the process. It further wished to clarify how the Program and Budget Committee's decision would receive endorsement by the WIPO General Assembly.

40. The Delegation of the Democratic Republic of the Congo expressed its warmest congratulations to the Chair on his election, assuring him of the Delegation's full cooperation. The Delegation acknowledged the efforts made on the issue of geographic balance and noted that 110 Member States out of 186 were represented on the staff of the Secretariat. The Delegation added that the matter needed to be dealt with quite carefully and supported the statement made earlier by Algeria speaking on behalf of the African Group. The Delegation confirmed that it supported any policies so as to reduce the geographic imbalances among the regions, but also within the regions. The Delegation noted that there were unrepresented Member States and that applications from nationals of such countries should be given special attention. The Delegation confirmed that it attached paramount importance to the principle of geographical diversity, supporting specifically the statements made in paragraphs 27 and 30 in the Annual Report on Human Resources. The strategies set out in these paragraphs could, in the view of the Delegation, be retained as a reliable basis and be able to address imbalances.

41. The Delegation of Spain congratulated the Chair on his election and thanked the Secretariat for the very complete report, and for its consultation with Member States in completing and improving the report. The Delegation highlighted the importance of budgetary elements in human resources which, while partially included in the report, could be increased to provide more information to Member States. The Delegation noted the proposed increase of staff costs of nine per cent in the draft budget despite stable staff numbers, due to expenditure for reclassification, upgrading of posts to Director level,

growing staff liabilities, medical insurance costs for retired staff and matters relating to the pension fund. Together, these elements might, in the view of the Delegation, justify a study by the Secretariat to document the likely evolution of these costs over the next years compared with income projections. In this connection, the Delegation recalled the concerns raised by Member States about increasing staff costs.

42. The Delegation of South Africa congratulated the Chair on his appointment, and supported the statements made by Algeria on behalf of the African Group, echoing also the sentiments expressed by the Delegations of Egypt and Iran (Islamic Republic of) with regard to promoting geographic equality on the staff of WIPO. The Delegation urged the Secretariat to take steps to balance the scales through the inclusion of underrepresented and unrepresented countries. The Delegation furthermore supported the statement made by France on the promotion of gender parity.

43. The Delegation of Senegal congratulated the Chair on his election and assured him of its full support. The Delegation thanked the Secretariat for the Annual Report on Human Resources, welcoming the reforms implemented during the year, recruitment and improved relations between the Administration and the staff. The Delegation pointed out two concerns, the first of which was geographic representation. In this regard, the Delegation supported the earlier statements made by Algeria on behalf of the African Group, and stated that it would be necessary to see how such equity could be achieved in recruitment. The second concern was gender parity. While the Delegation noted progress as 53 per cent of the staff of WIPO were women, it considered that efforts should be made to correct imbalances at senior levels including in decision-making bodies.

44. The Delegation of the United Republic of Tanzania expressed congratulations on the election of the Chair. It requested information from the Secretariat with regard to the shrinking size of the African Bureau, a concern which was raised already during the WIPO African Congress. The Delegation enquired about concrete corrective measures that would be taken.

45. The Director General, in addressing the matter raised by the Delegation of the United States of America, confirmed that he would meet with the Chairman of the ICSC within the coming weeks, and that he planned to brief the Chief Executives Board of the United Nations (CEB) during the forthcoming meeting in November.

46. With regard to geographic representation, the Director General reaffirmed the Secretariat's commitment to implement the principle of equitable geographical representation in the Secretariat. He added that, to underline this commitment, the Secretariat had recruited a Gender and Diversity Specialist. With regard to gender, the Director General noted that the Secretariat had set a target of 50/50 gender parity across the whole of the Secretariat by the year 2020. He pointed out the low attrition rate in the Secretariat of 2.5 per cent which limited the Secretariat's ability to implement change more quickly. Despite this, the Director General confirmed the Secretariat's determination to address the problem of geographic and gender diversity, which he recognized as a major concern of Member States. He added that all vacancies are advertised and that Member States' Delegations are invited to transmit information about these vacancies to their capitals with a view to attracting a diverse pool of applicants. The Director General also noted that the Secretariat wanted to exercise the greatest possible transparency with regard to gender and geographic diversity, and for this purpose, detailed statistics were published every six months.

47. With regard to the question raised by the Delegation of the United Republic of Tanzania, the Director General clarified that two posts had been advertised recently in the African Bureau and two appointments had been made. One of these competitions had

been won by an internal candidate, and as a result, a further vacancy would be advertised.

48. With regard to the procedural issue around the Program and Budget Committee's decision requesting to bring to the attention of the ICSC and the CEB concerns over rising staff costs, the Secretariat suggested that the WIPO Coordination Committee include a sixth decision paragraph under Agenda Item 45 "Annual Report on Human Resources" reflecting the WIPO Coordination Committee's endorsement of the Program and Budget Committee's decision.

49. Before closing Agenda Item 45, the Chair summarized the decisions of the WIPO Coordination Committee and took note of the information provided in the Annual Report on Human Resources as per:

paragraph 50, on the termination of employment contracts – agreed terminations "The WIPO Coordination Committee is invited to note the information provided in the preceding paragraph."

Paragraph 56, on the WIPO Staff Pension Committee "The WIPO Coordination Committee is invited to note the information contained in paragraphs 51 to 55, above, and to elect Mr. Vladimir Yossifov as member of the WIPO Staff Pension Committee for the period until the ordinary session in 2017 of the WIPO Coordination Committee."

paragraph 59, on the decoration conferred on the Director General by the Minister for Communications of the Kingdom of Morocco "The WIPO Coordination Committee is invited to note the decoration mentioned in paragraph 58, and to approve its acceptance by the Director General."

Paragraph 61(iii), "The WIPO Coordination Committee is invited to note the amendments to Annex II of the SRR, Article I(f), with the amount applicable for the education grant, effective as of the school year in progress on January 1, 2013."

Paragraph 66, "The WIPO Coordination Committee is invited to note the information contained in paragraphs 62 to 65, above."

50. The WIPO Coordination Committee approved document WO/CC/67/2, as follows:

Paragraph 61(i), concerning the amendments to Staff Regulation 9.10 "Retirement Age" effective January 1, 2014; and

Paragraph 61(ii), adopted the new "Standards of Conduct for the International Civil Service" effective January 1, 2014, and approved the corresponding amendment to Staff Regulation 1.5 "Conduct".

51. In addition:

The WIPO Coordination Committee requested the Director General to convey to the ICSC and the CEB the Member States' concerns regarding the impact of rising staff costs on the financial sustainability of the Organization and the need to exercise greater vigilance and consider taking timely and effective measures, particularly in the context of the ICSC's ongoing comprehensive review of these matters.

ITEM 46 OF THE CONSOLIDATED AGENDA

REVISION OF THE STAFF REGULATIONS AND RULES

52. The Chair introduced Agenda Item 46 “Revision of the Staff Regulations and Rules” and asked the Secretariat to present the item.

53. The Secretariat stated that the reform of Chapters X and XI of the SRR would bring to a conclusion the overall review of the WIPO SRR which started in 2010, and which was the first comprehensive review to be undertaken in more than 20 years. The revision of the two chapters had been a very participative process over a period of nine months. All key stakeholders had ample opportunity to contribute to the discourse and the staff at large were consulted, invited to comment and regularly briefed about progress. WIPO had not undertaken this reform alone but with the help of a senior expert in international administrative law, and with extensive experience of international organizations and internal justice systems. He conducted a review of the Secretariat’s current system and provided advice on reform options in line with best practice and international standards. The current internal justice system had a number of significant shortcomings. It placed too much emphasis on the formal legal system which was adversarial and protracted. It did not include sufficient opportunities for early informal conflict resolution prior to resorting to formal processes. The current system was a patchwork of successive administrative instructions and peer review committees. Layers of reviews had been added over time. The dividing lines between the various peer review committees were unclear, resulting in risks of overlaps and gaps. For example, grievance cases could currently go to the Director General for decision four times on one and the same issue. Furthermore, an undue amount of time was spent on discussing procedure, time which would be better spent on substance. The presence of lawyers at every stage had contributed to the process becoming unduly acrimonious. On the other hand, there was a complete lack of procedure in some parts of the process. What did these shortcomings mean for WIPO staff? The Secretariat elaborated that the internal justice system was not easily comprehensible and accessible for staff. Many staff felt the need to hire lawyers to make their case, which was very costly. The process was protracted and resolution took a very long time. These long and adversarial procedures were not conducive to a good work environment for the staff concerned and presented a distraction from work. The current process required a large number of staff to manage the multiple committees and responses and the process was, therefore, costly for the Organization when staff time was factored in.

54. Setting out the key features of the proposed new system and the value added, the Secretariat explained that the proposal aimed to strengthen informal conflict resolution mechanisms through the function of the Ombudsman, hence the proposed Chapter XI was now entitled “Conflict Resolution”, encompassing both informal and formal elements. Staff could find resolution without resort to lawyers. There were early opportunities to bridge differences or resolve conflict, minimizing long-term relational damage. The informal system was not mandatory but voluntary. The proposal would streamline and simplify internal justice by removing layers and duplications. The Joint Grievance Panel was abolished, which removed one layer. The Joint Advisory Group was maintained and would continue to provide advice to the Director General and to the Director of Human Resources. It consisted of three members elected by all staff, and three WIPO staff members designated by the Director General. The Joint Advisory Group would also provide advice to staff at large on policy and staff welfare. Furthermore, the proposal foresaw the opportunity for staff petitions to the Joint Advisory Group, and transparent procedures and timelines. It was not a longer process, but one which afforded staff sufficient time, if needed, for informal conflict resolution and time to prepare a formal case. The proposal provided for due process and safeguards. The right of staff to present a

defense in disciplinary proceedings was enshrined and so was the principle of proportionality of disciplinary measures. Conflict of interest was addressed in the SRR placing an obligation on staff to report and manage such conflicts. The sanction of summary dismissal, which already existed in the current SRR, was now clearly defined and subject to procedural rules, which included the right of response before a summary dismissal decision was made. Summary dismissal existed in the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO), for example. It was only resorted to for serious misconduct and applied only in exceptional cases. Suspension with or without pay also already existed in WIPO Staff Rules. Suspension without pay existed in the SRR of the UN, the ILO, UNESCO, WHO and the International Telecommunication Union (ITU). Such measures were applied very exceptionally, for example, in cases of fraud where there was financial damage to the Organization. The restitution of monies was new for WIPO but it existed in other UN organizations, in the UN Secretariat in particular. Furthermore, the proposal established the WIPO Appeal Board as the main review board and foresaw that it was strengthened so that it could deal with cases expeditiously.

55. The Secretariat elaborated that the value added for staff was that there would be a clear and transparent system which was accessible and where staff could get support in resolving grievances early. Where staff decided to bring a formal case, the process was more expedited, involving less time and resources and resulting in earlier decisions.

56. The Secretariat pointed out that the proposed system would not result in significant additional costs for the Secretariat.

57. The Secretariat noted that when comparing internal justice systems around the UN system of organizations, it could be found that these were largely similar, but with variations on detail reflecting the needs, circumstances and preferences of each organization. WIPO's proposed new internal justice system was very much aligned with what others had. Much time had been spent in discussing options and all key internal stakeholders had contributed, including the Office of the Legal Counsel, the Internal Audit and Oversight Division, the Ombudsman, the Staff Council and the Consultative Group which consisted of equal numbers of staff representatives and Administration representatives. Some differences of opinion about details remained, and this was normal. What was presented to the WIPO Coordination Committee was a high-level policy proposal, which would require detailed procedures in the form of Office Instructions to make it operational. Staff briefings and training would also have to be undertaken before the system could be used by all staff. In concluding, the Secretariat noted that WIPO did not have an unduly high number of dispute cases compared to other organizations. In fact, in 2013 there were overall fewer cases than in 2012, both at the WIPO Appeal Board and at the ILO Tribunal level. While it was correct that there had been more appeal cases generally over the past few years, this was a general trend in the UN system. What had also contributed to additional cases were some new human resources policies. For example, with the performance management system which was introduced in WIPO in 2009, staff could now appeal against performance ratings given by their supervisors, and many of these cases could be settled through the informal system which provided for mediation. In closing, the Secretariat affirmed that an early implementation of this reform would be clearly in the interest of WIPO staff.

58. The Chair thanked the Secretariat for its presentation and invited Delegations to comment.

59. The Delegation of Germany expressed its satisfaction to see the Chair steer this committee and thanked the Secretariat for submitting a revision of the SRR for the purpose of improving WIPO's internal system of justice. The Delegation noted that members of the staff of international organizations could not submit a dispute arising out of a work-related grievance to a national court. For this reason, they enjoyed the human right to have their case reviewed by an independent judicial or other mechanism where rights may have been violated, and the organization which employed them had to provide its own internal system of administration of justice. The UN General Assembly when reforming the system of administrative justice in 2007, underlined that a system of internal administration of justice needed to be independent, transparent, consistent with the relevant rules of international law and the principles of the rule of law and due process so as to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike. The draft regulations contained in Annex II of document WO/CC67/3 were supposed to do exactly that. Their purpose was to introduce more transparency and more reliability of the system by codifying and simplifying WIPO's internal mechanism for conflict resolution. The Delegation welcomed that the new system emphasized the importance of trying to resolve the dispute early and through informal and neutral procedures. The Delegation furthermore welcomed the renewed emphasis on the role of the Ombudsman and of securing his or her independence. The Delegation added that it would have preferred, however, that for the sake of transparency and trust building, that the Ombudsman's mandate and procedures be prescribed in the Staff Regulations rather than in an Office Instruction issued by the Director General. As regards the formal resolution of disputes, the Delegation noted that the new system followed an approach that relied strongly on a number of peer review mechanisms. Peer review ensured that staff was involved in settling disputes and in developing a common understanding of the substantive rules and norms that regulated the relationship between WIPO and its employees. This obviously conformed to the desire of WIPO staff, which had been involved in the design of the new system. The Delegation noted with appreciation that the new Regulation 11.2 expressly prescribed that all persons entrusted with a function, in the formal and informal resolution of grievances and conflicts, shall act in an impartial manner and avoid potential or apparent conflict of interest. This was an important provision to gain the trust and confidence of all staff in the new system. To enable staff members serving on the different boards to fulfill that role and to make sure people were willing to take on this responsibility, the Delegation recommended that proper legal training, as well as adequate relief from other duties, be given to all who get selected to serve. The Delegation noted that the deadlines throughout all procedures had been calculated in an extremely generous way for a relatively small organization that employed most of its staff at headquarters, quoting as an example, the different deadlines in the procedure before the Appeal Board alone which may add up to 330 days, not including the time that the board itself needed to take a decision. The Delegation expressed concern that the entire procedure may take too long to serve its purpose of getting grievances and dispute settled as early as possible. Finally, the Delegation requested clarification concerning the selection and status of certain members of the Appeal Board. Under regulation 11.5.1(b), the Chairman and the Vice-Chairman must be persons having experience in the law of the international civil service who are not currently staff members or former staff members for the past 10 years. The Delegation asked whether these persons would thus come from outside the WIPO system, and if so, what their legal status vis-à-vis the Organization would be.

60. The Secretariat confirmed that the Chairman and the Vice-Chairman of the WIPO Appeal Board would be from outside the Secretariat and that they would not be staff members nor former staff members in the preceding 10 years.

61. The Director General added that this represented also the present situation with regard to the WIPO Appeal Board.

62. The Delegation of France thanked the Secretariat for its presentation of the reform of the internal justice system and welcomed any effort aimed at creating a good working atmosphere within the Organization. The Delegation noted that in the year 2000, there was only a small number of appeals with the ILO Tribunal and that there had been an increase in the last years. For this reason, the Delegation would welcome more connections in the system, referring also to earlier comments by the Delegation of the United States of America to the effect that meetings should be open to a broader audience and to have an interactive discussion with staff. The Delegation gleaned some concerns regarding certain shortcuts and deadlines, security, possibilities for dismissals, immediate dismissals with periods from 60 days to seven days. The Delegation cautioned that while it welcomed reform, the balance should not be strongly in favor of the Administration. Noting that France was highly represented within the staff, the Delegation wanted to ensure that staff were comfortable with this reform and an open discussion might have merit.

63. The Chair invited the Co-Chair of the Consultative Group to brief the WIPO Coordination Committee on the consultation process followed by the Secretariat in reviewing its system of internal justice.

64. The Co-Chair of the Consultative Group explained that after the revision of the SRR in 2012, the chapters on internal justice remained to be reviewed during the years 2012-2013. The review started with an elaborate internal consultation process led by an external consultant on the basis of which a report was formalized. The report then served as a working document for a Consultative Group, made up of five representatives designated by the Administration of which he had the honor to be one, and five representatives of the staff, that is, the staff at large. This group, composed of 10 members, was deliberating over the revisions of Chapters X and XI for two months, i.e., during the months of May and June and made recommendations to the Director General on the reform of the internal justice system. This was a process which was conducted with full transparency. First, the Consultative Group set up an interactive web site accessible to all staff, where all summary minutes of the group as well as the report of the senior consultant were posted. All staff of the Organization were invited to interact with the Consultative Group on various points of the process. Over the period of two months, the Consultative Group met for a total of 18 sessions, during which all stakeholders were invited to contribute. On the basis of that process, a set of final recommendations were formulated. Staff were given several opportunities to participate in that process, and staff at large were kept informed through the interactive web site. Furthermore, the Staff Council was approached and invited by the Consultative Group on two occasions to contribute to the work of that Consultative Group. The recommendations were formulated and forwarded to the Director General at the end of the process at the end of June. Those recommendations were also published on the web site. The recommendations of the Consultative Group were made by a majority decision of 7-2 and the minority position was also published and made available to all staff. This describes in a nutshell the process and it also shows that it was fully transparent providing very good opportunities for staff at large and also for the Staff Council to contribute to the work.

65. Adding to the presentation by the Co-Chair of the Consultative Group, the Secretariat clarified that the Director General, upon receiving the proposal of the Consultative Group, consulted the Staff Council separately. The Staff Council reviewed the proposal in depth and provided a large number of comments, the majority of which were incorporated in the final version of the proposal.

66. The Chair thanked the Co-Chair of the Consultative Group and the Secretariat for explaining the reform process and invited the Delegations to take the floor.

67. The Delegation of Venezuela congratulated the Chair on his election, and furthermore congratulated the Secretariat on the reform proposal, recalling that it was the Member States who had requested this reform of the internal justice system in WIPO. The Delegation noted that there are some areas which, in the view of the Delegation, constituted a red line throughout the Organization and staff management was one such red line. The Delegation noted that participatory democracy may not be the case, but there were certain aspects of the way the Organization was run. The Delegation stated that the WIPO Coordination Committee was not a center of disputes and that Member States did not need to go into the day-to-day details of management of the Organization.

68. The Chair, in summing up the interventions of the Delegations of Germany, France and Venezuela concluded that a transparent, fair and effective organization was needed, and hence he proposed that the four decision paragraphs be adopted.

69. The WIPO Coordination Committee took note of the information provided in the Revision of the Staff Regulations and Rules as per:

paragraph 10, concerning the amendments to Staff Rule 3.6.2 "Advancement within Grade for Temporary Staff Members" and Staff Rule 2.2.1 "Implementation of a Reclassification Decision", as provided in Annex III, Part 3.

paragraph 12, concerning the amendments to Rule 7.2.9 "Daily Subsistence Allowance", Rule 9.8.1 "Termination Indemnity for Temporary Staff Members", Annex II "Salaries and Allowances", Article 1(b) and Annex IV "Rules of Procedure of Appointment Boards", and Article 1(a).

70. The WIPO Coordination Committee approved document WO/CC/67/3, as follows:

paragraph 5 concerning the amendments to the SRR on the internal justice system, as provided in Annex II;

paragraph 8, concerning the amendments to Regulation 1.6 "Activities and Interests outside the International Bureau", Regulation 4.4 "Promotion", Regulation 3.1 "Salaries", Regulation 4.10 "Appointment Boards", and Regulation 4.19 "Permanent Appointments", effective January 1, 2014, as provided in Annex III, Part 2.

STATEMENTS OF THE PRESIDENT OF THE WIPO STAFF ASSOCIATION AND OF A MEMBER OF THE STAFF COUNCIL

71. The President of the WIPO Staff Association and a member of the Staff Council delivered their addresses to the WIPO Coordination Committee. The texts of their statements are reproduced as an Annex to this document.

72. Upon completion of the second Staff Council statement, the Chair invited the Staff Council member to leave the room so that Member States could continue their deliberations. The Chair noted that he would continue to be available throughout his mandate and could resume a dialogue, if appropriate.

73. The Delegation of France asked whether there would be a response by the Secretariat. The Delegation also raised a question of procedure, particularly about who was admitted in the room during the WIPO Coordination Committee meetings. The Delegation further stated that it would like to see a strong and representative Staff Association actually representing the staff and expressed concerns about hearing two seemingly contradictory statements from staff representatives. Invited to make a proposal as to how to address the situation, the Delegation of France referred to the situation of trade unions in France and proposed that other Delegations might also comment on the matter.

74. The Delegation of Singapore congratulated the Chair on his election and noted that as the preceding Chair of the WIPO Coordination Committee, he might be able to shed some light on the situation which seemingly was repeated every year, and which the Delegation of France had earlier commented on. The Delegation recalled that it had made a determination regarding the role of the WIPO Coordination Committee during the meeting of 2012, and while in the role of Chair of the said Committee, determination which did not meet with opposition from the WIPO Coordination Committee membership. Specifically, the Delegation of Singapore noted that the annual occasion where the WIPO Coordination Committee allowed the Staff Council to address the Committee was not a dialog and that the members of staff of an international organization should not be dialoging with Member States which was a privilege reserved for the senior management of the Organization to which the executive body such as the WIPO Coordination Committee, gave direction and guidance, but did not micromanage. The Delegation recalled that these principles were clearly established in 2012 with the full support of the WIPO Coordination Committee. The Delegation recalled that prior to the WIPO Coordination Committee meeting of last year, the Staff Council insisted on the right to negotiate with the WIPO Coordination Committee the adoption of the amended SRR. This was denied by the Chair on the basis of the relationship outlined in the above. The Delegation affirmed that the Staff Council had a right to address the WIPO Coordination Committee, to make their feelings known and to make known where they stood. The Delegation of Singapore offered the view that of the two statements heard earlier, it favored the second type of statement, where constructive criticism could be made and where real concerns could be brought. While acknowledging that nothing was perfect, and the situation in WIPO, as in many other organizations, being far from perfect, the Delegation acknowledged a very focused intent by the Secretariat to improve, beginning with the strategic realignment, with the revision of Staff Rules and the effort to streamline all of these. Referring to the earlier comments by the Delegation of France, the Delegation of Singapore stated that what the WIPO Coordination Committee had just witnessed was a handful of people who seemed to think that they had the right to participate in the senior management of WIPO. The Delegation noted that this was not the role of the Staff Council, and that it had made this very point for the third consecutive year now. The Delegation added that an opportunity to do something positive was not taken. Rather than to address the WIPO Coordination Committee on the kinds of strategic direction the Staff Council would like to see this Organization head, it chose to air a list of accusations at the management and cast doubt on many things already approved by the WIPO Coordination Committee. The Delegation of

Singapore now turned to the reasons for a delay in the progress on the second part of the revision of the SRR. The Delegation welcomed that the President of the Staff Council had shed some light on this. In turn, the Delegation noted that it had, on its own, kept abreast of developments in this regard during the Delegation's year of tenure as Chair of the WIPO Coordination Committee. It had done so specifically with the interest of ensuring that the Secretariat complete the review of the SRR in time for these Assemblies. In this regard, the Delegation of Singapore expressed appreciation for the efforts made by the Secretariat and wanted to ensure that things be put in perspective, a perspective that was missing on the part of some individuals, and which should, however, not be allowed to distract the WIPO Coordination Committee from its role in applying itself to the governance of the Organization.

75. The Delegation of Ghana congratulated the Chair on his election, and expressed thanks to the Delegation of Singapore for its important contribution in the role of Chair of the WIPO Coordination Committee during the preceding year. Reminding the Committee of its important work within the General Assembly of WIPO and the many commitments on the Delegations' time, the Delegation expressed the view that the Staff Council's interventions might have more appropriately been provided in writing. The Delegation recalled that the Secretariat often produced documents which were simply to note. Making reference to the intervention by the Delegation of Singapore, the Delegation of Ghana agreed that a critical look needed to be taken at the recent presentations witnessed by the WIPO Coordination Committee and that a line had to be drawn, with the clear understanding that management was management. Recalling the intervention by the President of the Staff Council, the Delegation remarked on the boldness to level serious and grave allegations at management, without providing concrete evidence. The Delegation remarked on criticism such as consultations not being credible, staff morale being low, lack of transparent mechanisms, proliferation of favoritism, etc. At the same time, Member States, having reviewed a Human Resources Strategy and found it acceptable, wondered whether delegates were remiss in their work or whether there was something they ought to be informed of. The Delegation expressed the view that there was a need to build the Organization as one, and that staff had to give due deference to the management. Management had to be open to hear from the staff. The Delegation stated that to hear from the Staff Council on what was patently wrong with management was not good. It noted that there was a need to have a balanced view of the work being done. In closing, the Delegation of Ghana expressed the view that there was room for consultation, for discussions and for building mutual trust and accountability in the interest of taking the Organization forward.

76. The Delegation of the United States of America congratulated the Chair on his election. Supporting the earlier statement by the Delegation of France, the Delegation requested to have both statements as well as the verbatim reports, with a view to offering some advice to the Staff Council and to the management to get both back on track in running the Organization.

77. The Delegation of Ecuador wished to join the Delegation of France in expressing astonishment with the Staff Council statements. Appreciating the intervention by the Delegation of Singapore, it asked that the Secretariat provide a response for the sake of transparency. Agreeing with the statement of the Delegation of Ghana, the Delegation of Ecuador affirmed the need to provide evidence for allegations leveled, and also requested that written statements be made available to the delegates.

78. The Delegation of Venezuela recalled that there were similar occurrences at the WIPO Coordination Committee during the previous Assembly and commended the Delegation of Singapore for managing the situation extremely well at that time. Recalling earlier statements made by some Delegations about a red line, the Delegation of Venezuela cautioned the Delegation of France about opening the doors of the meeting to anybody who came to state their truth, which would result simply in a number of different versions of the

truth. It recalled that Directors had earlier commended the staff for their motivation and hard work which led to the successful outcome of the Marrakech Treaty, whereas the Staff Council claimed that the staff was not motivated. The Delegation, referring also to the earlier intervention by the Delegation of Singapore, noted that this should be clarified and that the WIPO Coordination Committee should not be involved in micromanagement. The Delegation recalled that it was tasked with electing the Director General in May and that at that time the Member States will place their trust in one or another candidate, and that this was the extent of the Member States' responsibility as to the management of staff.

79. The Delegation of China commended the interventions of the Delegations of Singapore and Ghana, and noted that it failed to understand why the WIPO Coordination Committee had to spend so much time listening to grievances from staff representatives who presented totally unconstructive opinions. The Delegation expressed the hope that the WIPO Coordination Committee would focus more on matters of interest to Member States.

80. The Delegation of Guinea-Bissau congratulated the Chair on his election and welcomed the statements made by the Delegations of Singapore and Ghana. The Delegation supported everything that had been said, both by the Organization and by the Association and added that management and Staff Association needed to consult and discuss issues of disagreement. The Delegation further expressed the wish that solutions would be found and reflected at the next General Assembly.

81. The Chair invited the Director General to take the floor for some clarification.

82. The Director General clarified that for the past 28 years, the Staff Council was afforded the opportunity, with the agreement by the Chair, to address the WIPO Coordination Committee. The Director General clarified that there had never been a dialogue between the Staff Council and Member States. The Director General noted that he did not wish to respond to the Staff Council directly in a public forum for two reasons. Firstly, the Director General considered it would be too adversarial to take issue. He acknowledged that there were differences in appreciation with respect to facts or circumstances which were mentioned. As an example, the Director General noted that when he commenced his appointment as Director General, the Organization had 350 long-term short-termers in its employment. This number had now been reduced to about 50, and would be completely eliminated in the coming year. He added that this regularization of more than 300 posts had taken place despite the global financial crisis, and the fact that every post regularized had had a budgetary impact. This integration had a beneficial effect on the Organization. The Director General further elaborated that a recent judgment by the ILO Tribunal stated that a person who had been on a continuing position in a short-term post for 11 years should have been treated as a staff member. Sympathizing with that view, the Director General confirmed that the Secretariat was in the process of curing this long-standing situation which had gone on well before his time. The remaining long-term short-termers would be integrated by the end of next year. The Director General noted that there were complex issues which deserved civilized discussion in a dignified and respectful manner and he opined that it would not be useful for him to respond point by point in an adversarial manner to the Staff Association with respect to which differences existed, which he considered natural differences of appreciation. The Director General also stated that it would be difficult and inappropriate to respond when statements were not shared beforehand by the Staff Council. The Director General noted that requests were made this year as well as in previous years, without response. Nonetheless, the Director General affirmed that the matters raised by the Staff Council would be studied and would be the subject of consultations and discussions with them.

83. The Chair acknowledged the clarifications provided by the Director General and noted the practice of the WIPO Coordination Committee, which was to listen to the Staff Council. He questioned whether the practice should be maintained or altered in some way, including first requiring the Staff Council to make documents available 48 or 72 hours before the deliberations, and requesting that the presentation be a brief formal presentation. He noted that such matters could be considered for the next session.

84. The Chair adjourned the meeting.

[Annex follows]

**ORAL STATEMENT BY MR. AZZEDDINE MONCEF KATEB, PRESIDENT OF THE WIPO
STAFF ASSOCIATION, TO THE FIFTY-FIRST SERIES OF MEETINGS OF THE
ASSEMBLIES OF THE MEMBER STATES OF WIPO**

September 30, 2013

Thank you Chair,

First of all, please allow me to thank Your Excellency for having let the Staff Council, my colleagues and me enter this room at a time when the work of the WIPO General Assembly is ongoing. I wish to say that, as I already informed you during the meeting that you granted us, , today, at 11 a.m. as a matter of common courtesy I sent you the text of the statement that will be made, both in French and in English, and that text should already be in your possession. Please accept my apologies and those of the Staff Council and the Staff Association for the fact that the speech was not provided earlier on. This situation arose owing to difficulties linked to the issues of the translation and completion of the speech. Please accept our apologies. Thank you.

Your Excellency, Ambassador Fodé Seck, Ambassador and Permanent Representative of Senegal to the Office of the United Nations in Geneva, Chair of the Coordination Committee, Distinguished delegates,
DirectorGeneral,
Ladies and gentlemen,
Dear colleagues,

It is a great honor for me to address this august assembly for the third time on behalf of the WIPO Staff Association. Before I begin my address, Chair, allow me to congratulate you and the Vice-Chairs on your election during the first session at the time of the opening of the work of the General Assembly. It is my hope that, under your leadership, the deliberations of this august assembly will be marked by success, which will then have positive implications for the staff of the Organization and the Member States in general.

Given that I am expressing customary thanks, I would also like to pay tribute to your predecessor, His Excellency the Ambassador of Singapore, as well as to his two Vice-Chairs, for the quality of work that the Committee achieved under their leadership.

Chair, since the last session of the Coordination Committee, the following major events have taken place and should be brought to the attention of the Member States.

First of all, there is the implementation of the regulatory framework concerning the conversion of short-term contracts, or temporary contracts, to temporary appointments. Secondly, there is the implementation of new procedures and the general employment conditions at WIPO and, thirdly, there is the review of the WIPO internal justice system and the consequent revision of the relevant Staff Regulations and Rules.

Before providing details on the three above-mentioned subjects, the Staff Council would like to make some preliminary observations concerning the general prevailing conditions under which the consultation process with the Administration were conducted, conditions which also helped to shape said process.

The Staff Council has noted the Administration's attempts to interfere on a number of occasions with regard to issues relating to the representation of the staff. This was particularly obvious during the last election of staff representatives, with that process giving rise to complaints from

staff members requesting cancellation of the relevant results. That situation had led to delays concerning proceedings before the Appeal Board, which, owing to the aforementioned incidents, is currently more than eight weeks, eight to 12 weeks, behind its normal schedule.

Following the referral of the complaints in this regard to the Joint Advisory Committee, a recommendation that the election procedure and the results should be cancelled was issued. The Director General having accepted that recommendation, a new election was called. The Administration attempted yet again to employ delaying tactics in order to influence both the new election procedure itself and its outcome. The Staff Council deplors this fact and requests the Member States to use their influence to ensure that the Secretariat ceases to make use of such unworthy delaying tactics with regard to the proper exercise of justice and the fitting representation of the Staff by representatives duly elected by all the staff.

In view of the consultation process which took place between the Administration and the staff representatives, it would be appropriate to say that said consultation process exists only nominally, and cannot currently be deemed to be credible. The consultation process exists purely for the sake of form and the Staff Council believes strongly that the Administration completely ignores most, if not all, of the proposals it receives. It is, therefore, not possible either to conclude or to state that there is a meaningful consultation process, as called for in the recommendations of the Joint Inspection Unit (JIU). I refer here in particular to the report published in May 2012 on "Staff-Management relations in the United Nations specialized agencies and common system" (document JIU/REP/2012/10). Neither is the process in line with the recommendations of the International Civil Service Commission (ICSC).

A perfect illustration of the marginalization of staff representatives can be found in events that took place during the review of the internal justice system. The Staff Association noted that the Administration had appointed staff representatives, rather than allowing the staff to elect their own representatives. That appointment procedure, which was completely illegal and which violates the rights of the Staff Association, is currently under appeal before the WIPO Board of Appeal. Chair, ladies, gentlemen, I wish to draw your attention to the particularly negative repercussions that could affect both the procedure and the substance of this review if the Board of Appeal, and, at a later stage, the ILO Administrative Tribunal, rule that the consultation procedure was riddled with procedural flaws and that consequently the substantial measures taken in that regard must also be cancelled. Such a situation would call the integrity of the Organization's internal justice system into question.

Chair, the Staff Association also notes that, the Administration relatively recently sent the Staff Association a document entitled "The Organization's Human Resources Strategy for the Next Biennium" for comment. This strategy was examined in depth by the Staff Association and we have spent a large amount of time on this issue, as well as sending more than 92 comments to the Human Resources Management Department. The Staff Association has not received one single response concerning the comments it has made in this regard. The Association believes that a document as important as a strategy for the next biennium, a document presented to you before the Council entered this room, the Association is particularly surprised to see such an important document, a document that will govern human relations over the course of the next two years, being treated so lightly. We have also requested the Director of the Human Resources Management Department to organize a public meeting and to address the staff and to inform them of the strategy that has been implemented. This request on the part of the Staff Council has gone unanswered. Even the simplest dialogue, consisting of making information available to the staff, is scorned within the Organization.

Your Excellency, distinguished delegates, ladies, gentlemen, this meeting comes at a time when the Organization faces major challenges, both internally and externally, which require changes in the way that the Organization's activities and its mandate are carried out. At the same time, this meeting is an excellent opportunity to recognize the significant number of achievements,

including, in particular, the Beijing Treaty on Audiovisual Performances, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, and growth at the international level in terms of innovation, marks and designs. All of these achievements are due, at least in part, to the devotion and effectiveness of the staff working in the various sectors and services, who have worked tirelessly and with selfless dedication and loyalty to serve the Organization and the Member States.

Nevertheless, the Staff Association is aware that all organizations must be ready continually to re-examine the procedures relating to the conduct of their activities, to make the necessary changes. In the end, what really matters is the ways and means by which such transformations must be carried out.

From the point of view of the Staff Association, planning and management include the real consultation of all the stakeholders, an indispensable element of any good administration. This approach facilitates the implementation of coherent policies and programs that are closely linked to the priorities of the Organization and that contribute to the efficient implementation of the Organization's mandate by all of the parties concerned.

At this stage, the Human Resources Strategy and the proposed amendments to the Staff Rules and Regulations which have been brought to your attention, along with a large number of other policies and programs, do not meet these criteria, as they have been implemented without effective consultation and without the comments of certain key stakeholders being taken into account, and with no tangible relation with the procedures which should have been put in place.

The document on the Human Resources Strategy and the amendments to the Staff Rules and Regulations do not meet these objectives and can only contribute to widening the discretionary power of the executive body of the Organization to establish and decide on policies and other procedures in any way it wishes, without the inconvenience of having to take into consideration the need to address the legitimate concerns of the other stakeholders, in particular those of the staff, and even of the Member States.

Your Excellency, distinguished delegates, ladies, gentlemen, the Human Resources Strategy and the proposed amendments to the Staff Rules and Regulations do not meet the criteria listed above. The Staff Council would have liked to see the Coordination Committee, in its role as the legislative body guarantor of the efficacy of the standards of the Organization, reconsider these important documents and mandate, as well as to see the Administration carry out much more in-depth negotiations and consultations with all the stakeholders, be they staff or Member States, in order to ensure that the relevant standards have and will be respected.

In this regard, the Staff Council wishes to re-iterate here, before all the Member States, its complete availability, both with regard to the Organization and the Member States, concerning its active and positive participation in consultations, should the Member States invite the Organization to reconsider the documents in question.

As to the implementation of the regulatory framework concerning the conversion of short-term contracts into appointments, the Staff Council wishes to point out that the Coordination Committee already adopted the first part of this reform last year during the same period. The Council had stated in the document that had been adopted that the date of January 1 should be applied to all of the reforms that had been recommended. That approach was not followed because the Organization deferred the implementation and entry into forces of those reforms to July 1 of the same year.

This approach of deferring the decisions adopted by the Coordination Committee poses a certain number of problems and raises the question of why the executive body of the Organization does not fully apply decisions in the way required by this august assembly. The

Staff Council also wishes to inform the Coordination Committee that, following the adoption of the review of the first part of the Staff Rules and Regulations last year, the Secretariat used the argument that it was carrying out quality control work on that normative instrument and contacted the former Chair of the Coordination Committee directly, informing him that certain provisions had been subject to formal amendments. The Staff Council feels that that procedure and that process should have been carried out following consultation with the Staff Council, because we do not interpret the amendments carried out in the same way. For the Administration, the amendments are purely formal, whereas, for the Staff Council, they constitute changes to the substance of the documents concerned. What is more, the rules of procedure concerning WIPO working meetings do not state anywhere that, following the end and closure of a working meeting, the Secretariat can directly contact the Chair of the Coordination Committee on an exclusive basis in order to decide that a certain number of amendments, even if they might be *de facto* amendments, can enter into force.

The Staff Council request the Coordination Committee to remind the Secretariat of its obligation strictly to follow the procedural norms as established and endorsed by the Member States, and, should a consultation process be carried out in this regard, to ensure that all the parties concerned, that is to say all the Member States, are involved, so that they can have their say and give their points of view in that regard.

Finally, I wish to draw your attention to the fact that a significant development occurred concerning the regularization process during the last session of the ILO Administrative Tribunal. The ILO Administrative Tribunal issued Judgment No. 3225, and it is in this regard that we wish to address the Program and Budget Committee in order to draw its attention to the financial implications that the implementation of this judgment will have. In this way, the Member States will not be surprised at the cost or costs that will arise later on when the Organization applies or may apply this judgment. The judgment states that a series of short-term contracts drawn up by the Organization were deemed to be abusive and the Tribunal has, for the first time, made it possible to re-qualify the legal relationship existing between an official with a short-term contract with the Organization who has been employed under repeatedly renewed contracts on the date of entry into force of the second contract.

We had prepared a number of documents for the session of the Program and Budget Committee, unfortunately, I feel duty-bound to point out to you that the Secretariat gave instructions that those documents should not be distributed to the Committee in question. I condemn this action because it constitutes a real attack on the exercise of the activities of the Staff Association and a serious attack on and violation of the freedom of association.

I should also like to round off this point by saying that we have contacted the Director General and the Director of the Human Resources Management Department concerning Judgment No. 3225, in order to ask them to give us their views as to how they intend to apply that judgment. No views have been forthcoming, despite several reminders, on the way in which the Organization would, if need be, go about applying those judgments.

As to the creation of the WIPO external offices, I will not spend much time on this issue. I wish to draw your attention to the fact that the staff are particularly concerned because there is no information available whatsoever on the type of activities these external offices would be carrying out. The issue of the possible redeployment of staff arises. Under what provisions might staff members be deployed and, if there are transfers, will they be carried out in line with the norms in terms of "relocation", the term most commonly used when an external office is being established in a region located far from the Organization's headquarters. This is an issue of some concern to us and I wish to provide the Member States and the Coordination Committee with this information, which is related to aspects that may possibly be the subject of discussions with the Secretariat.

With regard to the implementation of the recommendations of the Joint Inspection Unit, I wish to take this opportunity to speak about two fundamental elements. The first element involves a document in which it is stated that, with regard to the management of sick leave, the Human Resources Management Department hired a consultant who prepared a report that was submitted to the said department. That document has never been shared with the Staff Council and we have no idea as to what conclusions the consultant drew, or indeed as to the recommendations made, if recommendations there are.

However, one issue that is much more problematic for the Staff Council is document JIU/REP/2012/10, entitled "Staff-Management relations in the United Nations specialized agencies and common system". The Administration claims that Recommendations Nos. 8 and 9 have been implemented, that is to say, the fact of allowing the staff to enter into contact with the Member States. The Staff Council does not share this point of view. This is not just a simple practice, the JIU document calls for this practice to be made an obligation and for it to be included in the statutory and regulatory norms in the form of the Staff Rules and Regulations.

Chair, we wish the Council, the Coordination Committee, the legislative body of the Organization, to take this situation into account and to deal with this issue in order to ensure that relations between the duly-elected staff representatives and the Member States are placed on an institutional footing.

Finally, with regard to the issues linked to internal audit and oversight, the Staff Council would like the Internal Audit and Oversight Division to be granted much greater independence. In terms of investigations and audits, the prerogatives of the Director of the Internal Audit and Oversight Division, although having been subjected to review in October of last year, remain short of being real mechanisms that could enable the Member States to carry out such monitoring, and this is of great interest to the staff to the extent that they can be affected by a certain number of investigations. It is common knowledge that, although the Member States can access audit and evaluation reports, they cannot access investigation reports and the next review of the Internal Oversight Charter really should enable the Member States, all the Member States, also to have access to investigation reports. Credible and transparent mechanisms should also be put in place to ensure that the executive bodies take responsibility when a certain number of events are reported and are subjected to investigation, either at the initiative of the Director of the Internal Audit and Oversight Division, or through external independent bodies, which might possibly conclude that an accusation should be made or that someone should be held accountable.

In conclusion, Your Excellency, distinguished delegates, ladies, gentlemen, prior to coming to this room and meeting you, the staff, a number of my colleagues asked me to pass on a message to you and I promised my colleagues that I would pass on that message despite the difficulty I have in doing so, because it is my role to carry out my obligations according to the mandate bestowed upon me by my colleagues through the electoral process. They asked me to tell you that staff morale is very low and that this deep feeling of demotivation on the part of the staff is due to a series of causes. The first of these causes is certainly the lack of transparent and credible mechanisms, the second is the increase in favoritism in terms of recruitment and career-management, the third is the lack of real perspectives in terms of career-management that might enable the staff to develop their skills and competences in such a way that they might better serve you.

In passing on this message to you, I wish to inform you that all of us, you and us the staff, consider the World Intellectual Property Organization to be a precious asset which deserves to be preserved. Of course, it is up to the Member States to envisage the mechanisms that they feel are appropriate for the task of improving the image of the Organization in a credible and calm fashion and through ever more arduous and consensual work.

Chair, ladies, gentlemen, distinguished delegates, I wish to thank you for having allowed me, for the third year, to pass on the message of the Staff Association to you. Thank you.

**ORAL STATEMENT BY MR. ANATOLE KRATTIGER, STAFF COUNCIL MEMBER OF THE
WIPO STAFF ASSOCIATION, TO THE FIFTY-FIRST SERIES OF MEETINGS OF THE
ASSEMBLIES OF THE MEMBER STATES OF WIPO**

September 30, 2013

Your Excellency, Ambassador Fodé Seck, of the Republic of Senegal,
Distinguished delegates,
Director General,
Ladies and gentlemen,
Dear colleagues,

It is an honor and a privilege, not only to be speaking to you today, but also to be working at WIPO. My morale and that of many, if not most of my colleagues, is high. We are proud of our work and accomplishments, and we are pushing harder to make WIPO even more successful, and to bring about further positive change.

Indeed, it is a truism that, in life, the only constant is change. Sadly, in the multilateral system, I have come to realize that there are exceptions to this rule. Like a mosquito trapped in amber since the Jurassic Age, the relations between the Staff Council and the Administration are frozen in time. This is regrettable.

Chairman, Honorable Delegates

I recall last year's Coordination Committee meeting and the comments of the then Chair, Ambassador Kwok Fook Seng, of Singapore, on an intervention from the Staff Council President. Firstly, the Ambassador instructed us to stay out of the affairs of the Member States. Secondly, he then urged us to emulate modern unions, which have left behind the adversarial models of the twentieth century, so that we could move forward and work with the Administration to solve real problems.

Regrettably, the Staff Council, of which I am part, has been unable to break free from the fossilized instinct to reflexively confront.

As a result, legitimate concerns are being drowned out by the noise of a permanently disgruntled few. While you have just been offered a speech by the President of the Staff Council filled with issues that are the sole purview of you, the Member States, as clearly established by you, the Member States, (Article 8.1.1 [b] of the Staff Rules and Regulations), the Council is compelled to neglect its proper work. Instead of tackling pressing issues that concern all Staff, such as career development, internal mobility, and the system of justice, to name but a few, the Staff Council has continued to stonewall the Administration on almost every issue.

By way of a specific example:

- Tasked to contribute to the revisions of the internal system of justice, the Council members of the Consultative Group collectively resigned late in 2012 after what was essentially a Council internal dispute;

- Although numerous approaches and proposals to the Staff Council were made, none met a positive response. The Administration had to constitute a Group to get the work done, a group that included staff members, although, as you heard, none were elected. But the Staff Council still continued to challenge, to oppose, and to obstruct every move;
- As a tribute to my hard-working colleagues on the Staff Council, I also note that substantive comments on the draft proposal were provided by the Council. Although the proposed revisions are, in my view, an improvement over the current system, it would have been far more constructive to have been positively engaged throughout the process.

Chairman, Honorable Delegates,

Because of the President of the Staff Association's unwillingness to engage with the Administration and the consequent litigious approach, we have wasted many opportunities for engagement and have failed in our duty of representing the collective interests of all staff. This intransigent opposition is simply baffling.

One way this reflexive opposition manifests itself is the President's insistence on filing oppositions to every possible Administrative decision. Most cases, especially once they go to the ILO Tribunal, incur external legal cost. This has resulted in significant over-spending. In turn, the shortfall has been made up through a donation facilitated by the President of the WIPO Staff Association.

The reasons behind such donations may well be legitimate, but one must always be watchful for conflicts of interest. Last year's donation of 100,000 Swiss francs was substantial. Moreover, it was directly paid to the Association's external Legal Counsel. This year's unpaid legal bills are also high, though few of these have been discussed, much less approved, by the Council as required by the Staff Association's own Statutes. Once again, we will require a donation to pay our liabilities. Without insinuating any motive, at a minimum, one ought to question the legitimacy of, and possible motives behind, the many appeals funded by these outside donations as indeed the ILO Administrative Tribunal has also recently done (e.g. ILOAT Judgment 3206 of July 2013).

Chairman, Honorable Delegates,

To challenge administrative actions, when there is legitimate reason, is both appropriate and necessary. But the Staff Council betrays its own constituents when it opposes *a priori* and fails to engage constructively. This is wrong and it defies the basic principles of good governance and definitely does not serve the interests of the Staff at large.

The principles that govern the Association are very clear. In fact, they were conceived at the first General Assembly of the United Nations in 1946, under the Secretary General Mr. Lie, himself a former trade unionist: I quote "... a Staff Committee which would reflect the views and opinions of its constituents, ... neither beholden to the Administration nor opposed to it *a priori*, ... neither seeking to provoke crisis nor trying by vague words to quiet legitimate discontent, ..."

Chairman, Honorable Delegates,

All advocacy starts with us, as individuals. As an elected Staff Council member myself, I know that the first step in making WIPO more transparent, respected, credible, and effective must start, first and foremost, with me and the Staff Council as a good example for all Staff. And it should not be unreasonable to expect that it would be emulated—and even surpassed—by the Director General, by the Administration and by you, the Member States.

The less we, the Staff Council, play politics, the more time we have to devote to our good work. I count on your support—and, especially, on your good example.

To my well-intentioned colleagues on the Council, I ask them not to confuse my dissent with disloyalty. I am merely advocating for more transparency, respectability, credibility and effectiveness, first and foremost inside the Staff Council. William Fulbright, a multilateralist who strongly supported the creation of the United Nations, said that “In a democracy, dissent is an act of faith.”

I have faith that such time will come when we will be able to implement, at WIPO, the 1946 Resolution, when we will break free from the shackles of old animosities and ossified patterns of thinking, when we will identify both where we can work with the Administration and where we must oppose it, credibly and constructively, and act for the good of the whole.

Chairman, Honorable Delegates

Again, I count on your support—and on your good example.

Thank you.

[End of Annex and of document]