

WIPO Coordination Committee

Seventy-Third (47th Ordinary) Session
Geneva, October 3 to 11, 2016

REPORT

adopted by the Coordination Committee

1. The Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/56/1): 1, 2, 3, 4, 5, 6, 7, 9, 10, 25, 26, 27, 28, 30 and 31.
2. The reports on the said items, with the exception of items 7, 25, 26, 27 28 are contained in the General Report (document A/56/17).
3. The report on items 7, 25, 26, 27 and 28 are contained in the present document.
4. Ambassador Luis Enrique Chávez Basagoitia (Peru) was elected Chair of the Coordination Committee; Ms. Pamela Wille (Germany) and Mr. Christopher Onyaga Aparr (Uganda) were elected Vice-Chairs.

ITEM 7 OF THE CONSOLIDATED AGENDA

DRAFT AGENDAS FOR 2017 ORDINARY SESSIONS

5. Discussions were based on document A/56/3.

6. The WIPO Coordination Committee adopted Annexes I and II, the Paris Union Executive Committee adopted Annex III, and the Berne Union Executive Committee adopted Annex IV of document A/56/3.

ITEM 25 OF THE CONSOLIDATED AGENDA

APPOINTMENT OF DIRECTOR, INTERNAL OVERSIGHT DIVISION

7. Discussions were based on documents WO/CC/73/6 and WO/CC/73/6 Corr.

8. The Director General thanked the Chair of the Committee and stated that he recommended the appointment of Mr. Rajesh Singh to the post of Director of the Internal Oversight Division. The Director General mentioned that this post became vacant in May 2015 and that a first selection process was launched, but did not lead to an appointment. He added that the position was re-advertised, receiving a more extensive field of good candidates. After careful consideration of the unanimous recommendation of the Appointment Board, as well as the assessments and interviews, he approved the nomination of Mr. Rajesh Singh. The Director General mentioned that Mr. Singh held a Master's Degree in Defense Studies and Strategy, a Bachelor's Degree in Accounting, Audit & Economics and several related certifications and that he had worked during his entire career for the Government of India, as Assistant and Deputy Accountant General, as Senior Deputy Accountant General, as Director of Audit and as Accountant General amongst others. He added that the Independent Audit and Oversight Committee (IAOC) was also briefed and consulted on the recruitment process, and it had endorsed the nomination of Mr. Singh as the new Director of the IOD.

9. The Delegation of India welcomed the appointment of the new Director of the Internal Oversight Division, noting that the new Director was from India.

10. The Delegation of the United States of America thanked the Acting Director of IOD for his service to the Organization during this long period, whilst stating that it was unfortunate how long it took for the position to be filled. The Delegation was appreciative that the IAOC and the Secretariat had consulted closely with Member States and that a qualified and experienced candidate had been nominated. It welcomed the nomination of the new Director and looked forward to working with him.

11. The Delegation of Turkey welcomed the appointment of the new Director, IOD and it expected to work closely with Mr. Singh.

12. The Delegation of Nigeria, speaking on behalf the African Group, endorsed the appointment of Mr. Singh as the Director of the IOD after a thorough, competitive and transparent recruitment process and it believed that Mr. Singh was adequately qualified and experienced to serve in that position. The Delegation expressed its pleasure that the post had been filled.

13. The WIPO Coordination Committee took note of the information contained in paragraphs 1 to 8 of document WO/CC/73/6 and endorsed the appointment of Mr. Singh as Director, Internal Oversight Division (IOD) for a non-renewable period of six years.

ITEM 26 OF THE CONSOLIDATED AGENDA

REPORTS ON STAFF MATTERS

(i) Report on Human Resources

14. Discussions were based on documents WO/CC/73/1, WO/CC/73/1 Corr., WO/CC/73/5 and WO/CC/73/5 Corr.

15. The Chair indicated that two topics were to be covered, namely, the “Report on Human Resources” and the “Report on Geographical Distribution”, and that they would be covered one by one.

16. Concerning the “Report on Human Resources”, the Secretariat stated that this report covered the period from July 2015 to June 2016 and that the Human Resources strategy established in 2013 continued to provide the framework for human resources management and continued to be implemented with the view to responding to the Member States concerns on cost containment, geographical distribution and gender balance. The Secretariat mentioned that productivity had increased, whilst staff costs had decreased to 64.5 per cent in 2015 from 67.5 per cent in 2014. Staff absenteeism and grievances were also decreasing and there was modest improvement in geographical diversity with 119 nationalities represented in the workforce. With respect to geographical distribution of posts in the professional and higher categories, although there were limited opportunities due to the low number of projected retirements and low staff turnover, the ongoing review of this issue of geographical representation with Member States held promise. Recent experience had shown that, as a result of partnerships and engagement with unrepresented and under-represented Member States, the pool of applicants from such Member States had increased significantly. The Secretariat was of the view that an increase in the geographical diversity of job applicants could translate into increased geographical representation over time. Gender balance in the workforce was progressing with more women in the professional categories compared to the previous reporting period. The mainstreaming of gender in WIPO activities was underway, with baselines having been established from which progress would be assessed. The Secretariat added that its regulatory framework, policies and practices continued to be updated. From reforms which were broader in scope (such as contractual reform, the revision of the internal justice system and closer alignment with the United Nations (UN) system concerning benefits and entitlements), more specific issues were being addressed including occupational health and safety, promoting respect and harmony in the workplace and time management. The principals of participatory policymaking, collaboration and transparency had been integral in all these initiatives. The Secretariat also mentioned that automation was increasingly being integrated into HR processes presenting staff greater control and responsibility in the handling of their individual data, and freeing up HR resources to tackle and carry out tasks which add more value.

17. The Delegation of Mexico took note of the Annual Report on Human Resources and of all the work that would take place during 2016/17. The Delegation expressed its appreciation for the improved format of the report over other years, which allowed it to better understand the four pillars of the HR Strategy. It encouraged the Organization to have more staff that concentrated on intellectual property (IP) and less on administration, which was essential for the Organization to increase work on IP. The Delegation requested the Organization to ensure better geographical balance among the workforce, noting that while it was true that the percentage representing Western Europe had decreased, it still was very high as it still represented 48.6 per cent of staff that were subject to geographical distribution. It added that this did not reflect the membership of the Organization or the increasing participation of regions in IP issues, including the region of Latin America and the Caribbean.

18. The Delegation of Nigeria, speaking on behalf of the African Group, stated that it was pleased to note that staff costs had been managed prudently and policies were being promoted for gender. It commended the Secretariat for the outreach platforms employed to disseminate the information about vacancies to as wide an audience as possible, but noted that there was an imbalance. Consequently, the Delegation called for a balance in WIPO's workforce and looked forward to speaking more about this issue when the report on geographical distribution was discussed.

19. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group and thanked the Secretariat for the report. Before it commented on the report, the Delegation mentioned that the Government of South Africa extended its appreciation to the Director General and his staff, especially the Head of Protocol and Event Management and his team for their invaluable service during the South African exhibition and reception held on October 3, 2016, noting that they were an asset to the Organization and indicative of the high caliber of the talent employed at WIPO. With regard to the agenda item under discussion, the Delegation had taken note of the changes and reforms made in the regulatory and policy framework of human resources management following the review of the internal justice system in 2014. With respect to the intent to ensure alignment of the benefits and entitlements with the UN system, it noted that that this process was underway. It encouraged the Organization to continue with these efforts as well as to enhance geographical distribution and gender balance in the workforce, and to continue with efforts to attract staff from both unrepresented and under-represented countries in order to be truly reflective of its diverse membership. The Delegation thanked the Director General for his assistance and encouraged him to continue with efforts to align the Organization with the broader UN system.

20. The Delegation of China thanked the Secretariat for this informative, comprehensive and important report, which allowed Member States to fully understand the concrete measures and strategic planning of the Organization's human resources. The Delegation expressed its appreciation of the positive results achieved in the area of human resource strategies and expected further improvement in the strategic organization of diversified human resources.

21. The Delegation of Iran (Islamic Republic of) took note of the Annual Report on Human Resources and stated that, with respect to the geographical distribution of staff, it was of the view that gaps existed in the equitable geographical representation within the Secretariat. It was of utmost importance to take all necessary steps to enable, in particular, those States that were under-represented to be represented in the Secretariat. In this regard, due consideration should be given to the improvement of the proportion of staff from such countries.

22. The Delegation of Turkey thanked the Secretariat and HRMD for the preparation of the report and statistics and mentioned that it was closely following the discussions on human resources. It wished to highlight that, on the basis of these reports, the Middle East region, which was one of the groups defined in the UN staff groupings, was one of the regions with the lowest representation. The Delegation wished to acknowledge the efforts of the Secretariat to tackle this issue as referred to in the related reports, and the Delegation was supportive of the Secretariat's outreach initiatives.

23. The Delegation of Chile, speaking on behalf the Group of Latin American and Caribbean Countries (GRULAC), thanked the Secretariat for the report and stated that geographical representation was an issue that was of great interest to the Group and that it was committed to finding a balanced distribution of all regions and at all levels. It added that in order to do so, it would continue to participate in all discussions on this topic in this Committee.

24. The WIPO Coordination Committee:

- (i) took note of the information contained in paragraphs 87 to 91 of document WO/CC/73/1 and elected Mr. Philippe Favatier as alternate member of the WIPO Staff Pension Committee (WSPC) for the period up to the ordinary session in 2019 of the WIPO Coordination Committee; and
- (ii) took note of the information contained in paragraphs 93 and 94 of document WO/CC/73/1.

25. The Chair proceeded to the second topic under this agenda item, namely the “Report on Geographical Distribution”, and invited the outgoing Chair of the WIPO Coordination Committee, Ambassador Ngarambé, to introduce the matter.

26. Ambassador Ngarambé recalled that the initiative to launch discussions among Member States on the topic of geographical distribution arose from the decision of the Coordination Committee at its annual meeting in 2015, which decided that consultations would take place under the guidance of the Chair of the WIPO Coordination Committee to review the 1975 Principles of Geographical Distribution with a view of presenting a proposal to the Coordination Committee during the 2016 Assemblies of Member States. The Ambassador mentioned that it was an honor and privilege for him to engage with the Regional Coordinators and their various Members on a topic that closely concerned each and every one of WIPO's Member States. Three consultation meetings took place in 2016 where wide-ranging views being expressed. He thanked the Regional Coordinators and Groups for actively participating in the discussions on how Member States could provide a framework for improving geographical distribution in WIPO, which the Secretariat could implement. He mentioned that the report provided a summary of the relevant information which was taken up in the three meetings and the discussions which took place. The report also provided the various proposals made by Regional Groups and some consensus which was arrived at, presented the preliminary proposals for the Coordination Committee and chartered further work ahead, including studies to be undertaken by the Secretariat, should the Coordination Committee decide that further consultation meetings on the issue of geographical distribution should take place. Ambassador Ngarambé mentioned that the following two recommendations resulted from the consultation meetings: (i) that outreach activities of the Secretariat aimed at increasing the geographical diversity of the pool of candidates should be expanded to cover, as a priority, unrepresented Member States, whilst emphasizing that this would be undertaken with the commitment and engagement of Member States concerned in partnership with the Secretariat; and (ii) that vacancy notices of WIPO jobs would have a section on diversity added under which the Organization's aim of gender balance and equitable geographical distribution would be articulated, including a link with information to applicants on the list of unrepresented and under-represented Member States. The Ambassador concluded by stating that much work was still required, but that was subject to decision by the Coordination Committee.

27. The Delegation of Nigeria, speaking on behalf of the African Group, expressed its appreciation to the outgoing Chair of the Coordination Committee for his leadership, professionalism and commitment to achieving results and thanked the Secretariat for the support it provided to the Chair during the consultations. The Delegation stated that, on behalf of the African Group, it linked this statement to its comments made on the Annual Report on Human Resources, where it stated that the 2016 report crystalized the imbalance in WIPO personnel. The Group believed that this fact should mandate a change in the discussions on geographical distribution at WIPO. It added that it had taken note of the contents of the report and welcomed the recommendations contained in paragraph 17(a) and 17(b) of the document. However, the Group requested that actions proposed in those two recommendations include under-represented Member States both in paragraph 17(a) and 17(b). Paragraph 17(a) only referred to unrepresented Member States and the African Group wished under-represented Member States to be reflected as well. This point should also be reflected in paragraph 17(b),

not just under-represented geographical regions. The Delegation mentioned that paragraph 7 of the Report stated that the Regional Groups were unanimous in upholding merit as a primary benchmark for recruitment, but while the Group fully supported the importance of merit in the recruitment process, emphasis should also be placed on the need for merit-based selection to conform to fairness, equity, transparency and accountability. It added that the Group's call for WIPO's subscription to the International Labour Organization's (ILO) system of employing staff from P5 and above on direct selection by the Director General was not intended to be without competition and that the group simply sought a clear accountability mechanism for ensuring the institutionalization of balance in the workforce, a similar practice having been abolished in WIPO in 2006 as highlighted in Report. The Group was of the view that no further study on the practice of direct selection was required. The Delegation added that the Group further sought to strengthen the accountability structure in WIPO and supported the GRULAC proposal to set targets and indicators in the Program Performance Report (PPR) and additionally ensure that hiring managers were appraised of the implementation of balanced geographical representation in WIPO's workforce as part of the annual performance appraisal. It concluded that the Group believed, without a doubt, that the 1975 Principles of Geographical Representation needed to be revised to reflect the reality of WIPO's diversity and the principle of universality of the UN system and the Group called for a targeted timeframe for Member States consultations to review the 1975 Principles. It stated that this request was made bearing in mind that, out of WIPO's personnel of 1400 persons, geographical distribution applied to only about 400 persons or just over that figure, and that the review of the 1975 Principles should include expansion of employment categories where geographical distribution should apply.

28. The Delegation of Greece, speaking on behalf of Group B, expressed its sincere appreciation to Ambassador Ngarambé for his efforts regarding this issue and to the Secretariat for the support in compiling the views of Regional Groups and in preparing the document. It mentioned that Group B took note of the report and of the preliminary recommendations contained therein and it believed that the framework outlined in the document provided practical steps for the way forward. The Delegation stated that the current initiatives undertaken by the Secretariat should continue in order to secure as broad a geographical distribution as possible as well as gender balance, whilst keeping in mind that merit remained the paramount criterion. It was pleased to see that the Chair's document highlighted that there was unanimity among Regional Groups in upholding merit as the primary benchmark for recruitment. The Delegation was of the view that due attention should also be given to unrepresented Member States and considerable work had already been done in this regard. The Group believed that there was no need to formulate a new policy or establish a new system of geographical distribution.

29. The Delegation of Mexico repeated its view that the 1975 Principles on Geographical Distribution needed to be replaced in order to reflect the diversity of the Organization and the principle of universality which is in WIPO's Constitution. The Delegation stated that the application of those 1975 Principles in the present context was not only mistaken, but generated confusion and a distorted reality. In drawing up a new methodology for geographical distribution, the Delegation supported the proposal to include the weighting of each category on each level of personnel, as presently applied in the Food and Agriculture Organization (FAO) of the United Nations. It added that it had agreed within its Regional Group on establishing objectives within the budget together with the recommendations from the JIU with regard to this issue, and it urged the Organization to avoid voluntary contributions going hand in hand with pressure and conditions on hiring persons from a specific country or region in order to carry out or execute programs or projects financed by those extra budgetary resources. The Delegation supported the preliminary recommendations contained in the report, but was of the view that although practical, these recommendations were not sufficient. The Delegation joined other delegations that suggested that this debate and consultations needed to be open to all Member States and that they all be allowed to participate. In other words, all delegations should be allowed to present proposals which could be examined and discussed.

30. The Delegation of China thanked Ambassador Ngarambé for his report as well as the support provided by the Secretariat and endorsed the fact that outreach activities should be strengthened and the vacancy announcements of WIPO improved. It stated that it would actively cooperate and support efforts in this regard and on the new policy of geographical distribution or any new mechanism in the future. The Delegation mentioned that discussions must take into account the characteristics of the Organization and take into full consideration the demands of users, whilst at the same time making full use of methods such as the Junior Professional Officer (JPO) program and the use of young talents to serve the Organization. The Delegation expected the Secretariat to pay attention to a study on a post-weighting system so that it could provide information for such discussions at WIPO.

31. The Delegation of Chile, speaking on behalf the GRULAC, thanked Ambassador Ngarambé for the consultations undertaken in which the Group actively participated. The Group took note of the report of those consultations and mentioned that GRULAC was interested in equitable geographical distribution of all regions and at all levels. It hoped that the debates and negotiations, on the basis of proposals already presented, would continue to ensure that those objectives would be met.

32. The Delegation of Turkey congratulated the Chair on his election and stated that it had closely followed this issue and thanked Ambassador Ngarambé for his tireless efforts and for the Report. On the issue of geographical distribution, it stated that it supported the statement made by Group B and recognized the efforts and inputs of the Secretariat and of HRMD in these discussions. The Delegation mentioned that during these discussions, it had raised the issue of the lack of references or definitions of under-represented Member States in the related documents and that without such definitions, it was difficult to tackle the issue of geographical distribution in the WIPO workforce. It was of the view that this exercise was covered by the Organization's outreach activities concerning geographical representation.

33. The Delegation of the Dominican Republic congratulated the Chair on his election and thanked Ambassador Ngarambé for the work carried out and aligned itself with the statement made by the Delegation of Chile on behalf of GRULAC. The Delegation supported the position of the Delegation of Mexico on the possibility of a weighted system being adopted, similar to those applied in some other international organizations which, in its view, would broaden the discussion and enable more Member States to participate in the discussions. The Delegation emphasized that personal merit was inherent to all peoples, all around the world, and was not something that was restricted to one particular region or something that was impossible to find in any region of the world other than one's own. It was of the view that it could be found anywhere if searched well and long enough if the intention was to improve the current unbalanced situation with respect to geographical distribution in this Organization. It added that if there was a difference in the quantity of people with merit coming from a region, it still could be found if it was sought for.

34. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group and expressed its appreciation to Ambassador Ngarambé for chairing the consultations on this important issue. It reaffirmed its commitment to merit and competence being an integral element for employment of staff but noted that it should not be the overriding criteria to the detriment of creating a diversified, inclusive workforce. The Delegation mentioned that discussions had been squarely based on the 1975 Principles and that a number of proposals had been submitted from different groups in order to build an inclusive talent base. In this regard, it supported the GRULAC proposal to set targets in the PPR and welcomed the outreach initiatives contained in paragraph 17 to promote and enhance geographical distribution and gender balance. The Delegation encouraged the Organization to continue with its efforts, whilst stating that it was not convinced that this alone was sufficient to achieve the intended goals. Thus, the Delegation encouraged the continuation of consultations to arrive at a suitable solution that would serve the interests of all parties. It also reiterated its support for the African Group's position for the revision of the 1975 Principles

to reflect WIPO's diversity, the general UN principles of universality and to expand employment categories applicable to geographical distribution.

35. The Delegation of the United States of America aligned itself with the statement made by the Delegation of Greece on behalf of Group B and expressed its appreciation for the informative report and the efforts and hard work of Ambassador Ngarambé on this issue. It stated that it supported the paramount focus of the UN Charter on selecting candidates on merit and that it encouraged diversity, recruitment and workforce planning strategies to address gender equality and geographic representation. The Delegation mentioned that it was pleased by the Secretariat's progress in implementing outreach programs to improve this issue in the Organization and encouraged the Secretariat to continue these efforts. With regard to the specific recommendations in the report, the Delegation stated that it would appreciate receiving more information on paragraph 17(a). It was not clear what this support program entailed and the Delegation would like to give it more consideration, inasmuch to the recommendation in paragraph 17(b), as in its view, it did not reflect best practices in UN organizations to have this type of specific language in vacancy notices.

36. The Delegation of Zimbabwe thanked Ambassador Ngarambé for his work with others in compiling the report and aligned itself with the position enunciated by the Delegation of Nigeria on behalf of the African Group. It emphasized the need for clear statistics on the number of those under-represented or unrepresented Member States, particularly in grades P5 and above, and the need to revise the 1975 Principles on Geographical Distribution. The Delegation supported the implementation of the recommendations contained in the report.

37. The Delegation of Tajikistan, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), stated that insufficient geographical representation among the staff of WIPO applied particularly to its region. The Organization's officials seemed to come from countries from different regions to a certain extent, but some countries didn't seem to have any representation at all. Tajikistan, for example, had been an independent country for 20 years and was yet to be represented in the workforce. The Delegation believed that it was not a question of not having the right qualifications or not having the knowledge of languages. Tajikistan did possess a lot of young people who already had quite a lot of work experience and could apply, but they never seemed to be recruited, and this was certainly a problem. It understood and agreed with the position of the Delegation of Greece which had mentioned that there may be an issue of qualifications and that qualifications have to be appropriate. It was of the view that the Organization needed to widen its recruitment process, perhaps with some kind of assistance or training or something that could be given to potential candidates, so that they were more likely to be successful. Hence, geographical distribution would be more likely to improve. The Delegation wished to draw attention to the fact that, at present, there was not a single WIPO official from any Central Asian country, whilst there were officials from many other countries. The Delegation believed that there was something wrong with the approach to recruitment which, somehow, made it difficult for candidates from certain regions and countries to pass through the process.

38. The Delegation of Côte d'Ivoire congratulated the Chair, on his election and wished to pay a warm tribute to the outgoing Chair, Ambassador Ngarambé, for the brilliant work he had done. The Delegation underlined its support for the statement made by the Delegation of Nigeria on behalf of the African Group.

39. The Delegation of India, speaking on behalf of the Asia and Pacific Group, wished to place on record its sincere appreciation for the hard work of Ambassador Ngarambé and for the Report submitted to the Member States. Regarding geographical distribution of WIPO staff, it had the firm belief that there was a significant gap in the geographical representation of the Asia Pacific region in the WIPO Secretariat and, therefore, it was of high importance to take all necessary steps to enable, in particular, those Member States from the region that were under-represented. The Delegation mentioned that the position of the Group was that there

was a need to gradually increase representation from the countries of the Asia Pacific region, in line with the principle of equitable geographical distribution, especially from the under-represented countries within the region itself.

40. The Delegation of Uganda congratulated the Chair on his election and thanked the outgoing Chair, Ambassador Ngarambé, for the comprehensive Report he had compiled, after having widely consulted with the Member States. It aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It added that the issue of geographical representation needed to be addressed to ensure balance and parity and as Vice-Chair of the Committee, it pledged its cooperation to work closely with the Chair on this matter.

41. The Delegation of Cameroon congratulated the Chair on his election and thanked Ambassador Ngarambé for the work accomplished and the conclusions reached. On the geographical distribution policy, it mentioned that it aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. The Delegation hoped that work on revising the 1975 Principles would continue, to reflect and respect the principle of universality and to apply geographical diversity in the selection of staff at the managerial levels.

42. The Delegation of Nigeria welcomed the election of the Chair and the Vice-Chairs and expressed its confidence that the work of the Coordination Committee would be steered professionally. The Delegation aligned itself with the position of the African Group. It added its voice again to the call to quickly review the outdated 1975 Principles on Geographical Distribution and mentioned that, in the interim, it supported the recommendations of the report as indicated in paragraphs 17(a) and 17(b), including the changes proposed by the African Group. The Delegation concluded by thanking Ambassador Ngarambé for his work and engagement.

43. The Chair thanked all the delegations who made statements and who, at the same time, expressed congratulations to him on his appointment and assured him of their support. He mentioned that he would be grateful for that support. He felt that he expressed the feelings of the meeting and of his predecessor, Ambassador Ngarambé, in thanking the delegations for the gratitude expressed for the work accomplished and took the opportunity to express his gratitude to Ambassador Ngarambé as well.

44. The WIPO Coordination Committee:

(i) took note of the "Report on Geographical Distribution" (document WO/CC/73/5); and

(ii) endorsed the preliminary recommendations described under paragraphs 17 and 18 of the same document.

(ii) Report by the Ethics Office

45. Discussions were based on document WO/CC/73/2.

46. The Chief Ethics Officer introduced the Annual Report by the Ethics Office, which presented the Ethics Office's activities of the year 2015 (document WO/CC/73/2). The Chief Ethics Officer referred to the Convention Establishing the World Intellectual Property Organization, which underlined the importance for the Organization of securing the highest standards of efficiency, competence and integrity, and that the establishment at WIPO of a comprehensive ethics and integrity system and of the Ethics Office followed from this. The Chief Ethics Officer highlighted that the Ethics Office was independent of WIPO's other services. The Ethics Office dealt with four main areas of activity, namely, undertaking promotional activities, particularly training and awareness building activities, providing confidential advice to senior management, managers and all staff members and norm-setting

and policy development. Furthermore, the Office implemented policies assigned to it. With respect to ethics and integrity training, the Chief Ethics Officer mentioned that there had been mandatory training on ethics and integrity for all staff at every level of the Organization since the launch of the WIPO Ethics and Integrity policy in 2012. In the period 2012 to 2015, a total of 1618 employees had been trained in regular ethics training courses and in sessions at induction courses. Feedback surveys of participants indicated that, in 2015, 43 per cent of respondents rated the course “excellent” and 41 per cent “good”. Regarding the Office’s providing confidential advice to senior management, managers and all staff members, in 2015, the Ethics Office received 21 requests for advice. Most of the requests were on outside activities, conflicts of interest, declarations of interests or employment-related matters. Details on figures were provided in the report. The Chief Ethics Officer furthermore mentioned that in the area of norm-setting and policy development, internal work to develop a new financial disclosure policy for senior staff and other designated members of staff had resumed and was expected to be concluded by the end of 2016. On implementation of policies assigned to the Ethics Office, the Chief Ethics Officer mentioned that the Office received complaints of retaliation and conducted preliminary reviews to determine whether a complainant had engaged in a protected activity under the Policy to Protect against Retaliation for Cooperating in an Oversight Activity or Reporting Misconduct or other Wrongdoing (the “Whistleblower protection policy”). Based on its preliminary review of a complaint, the Ethics Office determined whether *prima facie* there was a case of retaliation requiring adequate protection of the complainant concerned. The Chief Ethics Officer then mentioned the Declaration of Interest program for WIPO staff members at the level of D1 and above, and a limited number of other specific categories which also fell within the responsibility of the WIPO Ethics Office. The Chief Ethics Officer stated that a 100 per cent rate of compliance with IPSAS disclosure requirements concerning related party transactions was achieved for the 2015 reporting period. The Chief Ethics Officer furthermore reported on the Ethics Office’s efforts for harmonization with best practices of the UN common system and mentioned that, in 2015, the WIPO Ethics Office had actively engaged with the Ethics Network of Multilateral Organizations (ENMO). This network aimed to promote system-wide collaboration on ethics-related issues within the UN system and provided a structure for the exchange of ethics’ policies and practices.

47. The Delegation of Mexico welcomed the fifth report of the Ethics Office to the Assemblies, the second to be submitted independently rather than as an Annex to the Annual Report on Human Resources. The Delegation was pleased with the work which had been accomplished by the Chief Ethics Officer and thanked the Office for promoting the culture of ethics within the Organization based on values of integrity, responsibility, transparency and respect, values which Mexico was very much attached to. The Delegation fully supported the work which had been done in order to finalize the policy on the disclosure of financial interests of high-ranking staff and other members of the staff. The Delegation considered this crucial in helping to determine, resolve and cope with any situations involving a conflict of interest. The Delegation urged the Ethics Office to take, as a reference point, best practices within other organizations of the UN system. The Delegation requested the next annual report of the Ethics Office to include the results on the work on this policy and its initial application by the Organization. Finally, the Delegation welcomed the close cooperation the Ethics Office had with the ENMO and urged it to continue to step up its cooperation with other organizations from the UN system to learn from system-wide best practices in respect to ethics, and promote these.

48. The Delegation of the United States of America stated that it was deeply committed to advancing oversight, ethics, and accountability through continuous support for, and strengthening of, independent ethics offices. The Delegation expressed its appreciation for the hard work of the Ethics Office and for the report. It thanked the Ethics Office for including, in this year’s report, information on the impact of ethics training through the use of staff surveys, and was pleased that the training was well received and that the Ethics Office had been using this feedback in designing ethic and awareness building activities for 2016 training courses. The Delegation believed that international organizations needed to have proactive financial disclosure policies and processes, and would appreciate an update on the status of the financial

disclosure policy, if the work was still on track to be concluded by the end of 2016 and when it would be fully implemented. He also made suggestions for consideration of other elements that perhaps could be included in the future annual ethics reports, namely priorities for the year ahead, observations and recommendations on policies the Ethics Office made to management, and an analysis of ethics issues that arose in the reporting period. The Delegation referred in this respect to reports of the International Civil Aviation Organization (ICAO) and the United Nations Fund for Population Activities (UNFPA). The Delegation also suggested the inclusion of detailed case statistics that compared the number of ethics complaints and inquiries in the reporting period to those of previous years, saying that this would allow Member States to evaluate and assess the framework and culture of the Organization over time. The Delegation looked forward to the review of the Whistleblower protection policy as recommended by the IAOC and supported the Coordination Committee's decision of September 12, 2016. In addition to this review, the Delegation requested that the future annual ethics reports include an assessment of WIPO's internal regulations and rules for protecting whistleblowers from reprisals. The Delegation stated that, in its view, whistleblower protections were critical for the health of an Organization. The Delegation said that by setting the right tone at the top and making employees feel comfortable reporting misconduct without fear of retaliation, an organization could address wrongdoing before it became an organizational problem.

49. The Delegation of Turkey stated that it appreciated the report and saw this area of activity as a part of the oversight, investigations and audit functions of WIPO. These were all considered useful instruments for increasing efficiency of the Organization.

50. The Delegation of Nigeria, speaking on behalf of the African Group, extended apologies for not starting its first statement by welcoming the Chair and Vice-Chairs on their elections and by expressing the confidence of the Group that the Chair and his team would lead the work of the Committee expertly. On the report of the Ethics Office, the African Group commended the hard work and focus on integrating best practices in WIPO, and encouraged the Ethics Office to be vigilant and to incorporate or present new ways to enhance the competence, effectiveness and integrity of WIPO and its staff.

51. The WIPO Coordination Committee took note of the "Annual Report by the Ethics Office" (document WO/CC/73/2).

ITEM 27 OF THE CONSOLIDATED AGENDA

AMENDMENTS TO STAFF REGULATIONS AND RULES

(i) Amendments to Staff Regulations and Rules

52. Discussions were based on document WO/CC/73/3.

53. The Secretariat presented a number of amendments to the Staff Regulations and Rules to the WIPO Coordination Committee, respectively for approval and for notification, and mentioned that the number of amendments was particularly high this year with 82 being proposed. It stated that there were a number of amendments which were related to the review of the UN Compensation Package for staff in the professional and higher categories and which were required to implement changes to the compensation package decided by the UN General Assembly in its resolution 70/244 adopted in December 2015. The changes to the compensation package could be grouped into three broad categories: first, on the relocation-related entitlements; second, on the salary scale and dependency allowances; and last on the education grant. Another group of amendments concerned WIPO's internal justice system which entered into force in January 2014. Two years after its implementation, the HRMD and the Office of the Legal Counsel undertook an assessment of the practical and legal issues faced in applying the provisions and the proposed amendments aim at addressing such

issues. All the other amendments, which constituted the majority of all amendments, presented to the Committee, were part of the ongoing review of the Staff Regulations and Rules. The ongoing review was aimed at improving operational efficiency through the correction, clarification or elaboration of a number of provisions which allowed the Organization to maintain a sound regulatory framework that adapts to and supports the changing needs and priorities of the Organization, while ensuring alignment with best practices in the UN system. The Secretariat added that the document also addressed three requests made by the Coordination Committee at its 71st session in October 2015, namely: (i) a study on staff mobility, which serves as a basis to propose, again, the introduction of a special salary increment as a financial incentive for staff mobility to external offices; (ii) the response to the Coordination Committee's invitation to the Director General to consider reducing the period of time during which candidates recommended by an Appointment Board, but not appointed, may be placed on a reserve list; and (iii) a transitional measure for education grant for staff members residing, but not serving, in their home country and on which the Legal Counsel would provide more information.

54. The Delegation of Mexico thanked the Secretariat for the presentation of the report on the Amendments to the Staff Regulations and Rules and mentioned that most have to do with the examination of the salary scale for staff in the professional and higher categories based on the decision by the UN General Assembly. This implementation would make it a simpler, modern, cost effective system and would take into account the very strong budgetary pressures on international organizations because of increasing staff costs. The Delegation expressed its satisfaction to see that WIPO was now applying what the General Assembly of the UN had requested. With regard to Regulation 3.25 on a special salary increment, the Delegation stated that, first of all, the general salary scale and the compensation package entitled staff to ensure that there was mobility, geographical mobility, whereas this new Regulation was an incentive to mobility. It recognized that some specialized agencies did have additional incentives to ensure mobility, but it preferred professional incentives instead of financial ones. According to the allocation of external offices (EOs), this was simply a means for staff members to maintain their purchasing power and this should be part of the international ethos. It was of the view that WIPO did not need to be an exception, especially with the increasing number of EOs around the world which meant that all staff would be closer to Member States. It was for this reason that the Delegation had opposed the provision at the 71st session in October 2015 allowing for an increase in salary when staff were destined to move to a different duty station. It added that it was prepared to exceptionally accept these changes to Regulation 3.25 as they would only apply to staff who were already employed by the Organization, whereas international staff recruited after January 1, 2017, would be subject to mobility without receiving an additional mobility incentive. This meant that WIPO staff, according to their profile, would have to move to EOs, as requested by Member States, and the Delegation was of the view that this would not prove to be an obstacle to mobility. It further stated that HRMD and the Office of the Legal Counsel should be able to find language that would allow for this transitional measure to be included in the Staff Regulations and Rules and that it was certainly necessary to establish mobility approaches for the future and hence requested HRMD to draft a general mobility policy so that these changes to the Staff Regulations and Rules could be examined at the next meeting of the Coordination Committee.

55. The Delegation of the United States of America praised the positive measures taken by the Secretariat to improve and clarify the Staff Regulations and Rules and wished to make a specific comment on Regulation 3.25 referred to by the Delegation of Mexico. It stated that it was unable to support this new regulation as, in its view, it was not a best practice in the UN system and was not in line with the common system compensation package. The Delegation also questioned the need for geographic mobility at this time when there were a limited number of WIPO EOs and, instead, requested the Secretariat, as did the Delegation of Mexico, to develop a geographic mobility policy which would be in line with best practices in the UN system and with the practices of organizations with multiple field offices, and to look into the possibility of providing incentives for such mobility once that policy was in place.

56. The Delegation of Nigeria, speaking on behalf of the African Group, noted the proposed Amendments to the Staff Regulations and Rules, particularly those contained in document WO/CC/73/3, and encouraged the Secretariat to make the documents available earlier in the future. It mentioned that the Group appreciated the rationale for the proposed amendments, which would align WIPO's practices to other similar organizations and, as well, these amendments would conform to the UN General Assembly resolution. It wished to know more from the Secretariat about the consultative process that had been undertaken by HRMD before making these recommendations, particularly in the context of the amendment on step increments and its impact on staff. In particular, the Delegation asked if it would affect a significant percentage of WIPO's staff employed before January 1, 2016, and whether there was a rigidity to the timeframe for the implementation of the proposed amendment.

57. The Secretariat responded that, with respect to the timeframe for implementation of the new compensation package, it was not free to implement this at a time it would prefer as it was bound to do so in conjunction with the rest of the UN common system. It added the UN General Assembly had requested that most of the measures be implemented effective January 1, 2017, and a new salary scale was coming into effect at that date as well. The Secretariat reassured the Committee that it was ready to implement the measures at that date, whereas the only measure that was to be implemented later in January 2018 was the education grant. The Secretariat reiterated that the dates for implementation were given by the UN General Assembly resolution and that the Organization was ready to implement on those dates.

58. The Delegation of India took note of the proposed amendments, including the minor incentives for staff to go to EOs. It added that since India was one of the proponents for hosting an external office, it was interested in this issue and it requested clarification from the Secretariat as to how many additional resources the Organization was likely to spend, taking into consideration the scenario that six EOs were to open in the next two biennia.

59. The Secretariat responded that the cost projections of this special salary increment were included in paragraph 33 of Annex XI to document WO/CC/73/3 and mentioned that the additional cost would be small. As an example, for a staff member at the P4 level, it would amount to 5,000 USD a year, whereas at the D1 level, the cost would be over 6,000 USD a year. The Secretariat added that this measure would currently be applicable to five staff members, for a monthly cost of approximately 2,500 USD.

60. The Delegation of India thanked the Secretariat for its clarifications and mentioned that the cost implications were miniscule and that giving these incentives would motivate WIPO staff members to take up responsibilities in various EOs and, as such, it supported the inclusion of these incentives.

61. The Delegation of Mexico stated that it could go along with the Secretariat's proposed amendment as long as it would apply to present WIPO staff, but not to staff coming on board from 2017 and this was in order to promote mobility that did not necessarily require monetary elements. It requested the Chair to check with the Committee whether there was support for its proposal and whether there was any drafting suggestion by HRMD and the Office of the Legal Counsel which would reflect its proposal in this new Regulation 3.25.

62. The Delegation of the United States of America expressed its appreciation to the Secretariat for its explanation of the financial implications of this measure, but remained concerned about the principle as it viewed these special salary increments as a negative precedent, where UN organizations would be able to establish allowances not in line with systems and recommendations. It added that it took note of the proposal by the Delegation of Mexico and mentioned that its preference was to see a comprehensive study of WIPO on geographic mobility within the context of the external office network, particularly within the context to expand that network.

63. The Chair asked the Members of the Coordination Committee whether they would support the proposal by the Delegation of Mexico whereby the proposed amendment for Regulation 3.25 would only apply to present WIPO staff and not to new WIPO staff to be hired in the future.

64. The Delegation of Canada queried the Secretariat whether the proposal for this increment was in response to any existing or planned short falls in the existing EOs and mentioned that this point may help the Committee to think further about the question.

65. In response to the query by the Delegation of Canada, the Director General responded that there was not any existing shortfall or gap in the existing framework, and that the measure was simply taking cognizance of the fact that EOs were a rather recent phenomenon in the Organization. The Director General added that the Secretariat was operating on the basis of the Guiding Principles, one of which specifies that they shall be implemented in a resource-neutral manner and that generally meant with existing staff, since staff costs were around 64.5 per cent of the total cost of the Organization. He added that, in order to encourage an atmosphere in which staff would feel encouraged to have experience in EOs and to move to EOs, this was proposed as an attractive incentive which may assist the Secretariat in implementing the Guiding Principles for the EOs.

66. In response to a query by the Chair on whether any delegation would have any objection to this amendment to Regulation 3.25 being applied only to current staff and not to new incoming staff, the Delegation of Nigeria, speaking on behalf of the African Group, stated that the Group supported the proposal put forward by the Delegation of Mexico.

67. The Delegation of India requested the Chair whether it would be possible to have an informal five minute discussion with the Delegation of Mexico on this issue.

68. The Chair responded that doubts have only been raised on new Regulation 3.25 and proposed that the Committee move on and approve all other proposed amendments, whilst leaving Regulation 3.25 open for consultations to be held over the lunch break between the Delegations of Mexico, India, the United States of America and the Secretariat.

69. The Chair returned to the pending issue of Regulation 3.25. The Secretariat mentioned that it had consulted with the Delegations of Mexico, India and the United States of America, which had all agreed to the proposal for the three additional increments in the case of a lateral move to an external office, provided that the Secretariat prepared a comprehensive mobility policy and that this matter be reviewed again at a subsequent session of the Coordination Committee. The Secretariat mentioned that there was a new paragraph that would be added to the decision for approval and he read out the new proposed text.

70. On the basis of the proposed new paragraph, the Chair reiterated that this draft encompassed three elements, that the Secretariat would develop a mobility policy, that the Coordination Committee would agree to review the effect of this policy, and then on the basis of its review, the Coordination Committee would have to decide later on whether or not to maintain or eliminate Regulation 3.25. He added that these were the three elements of this commitment that would make it possible to approve the amendments that had been submitted and thanked the Secretariat for all of the efforts and for the result in the short time frame that was allotted. He also mentioned that it was his understanding that this language would make it possible for the Coordination Committee to approve the amendment without any further discussions being necessary.

71. The WIPO Coordination Committee:

- (i) approved the amendments to the Staff Regulations as provided in Annexes II, VIII and X, including new Regulation 3.25 on the Special Salary Increment, to be effective as from January 1, 2017, as well as those in Annex IV, to be effective either as from January 1, 2017 or as from any new date decided by the General Assembly of the United Nations;
- (ii) requested the Secretariat to develop a comprehensive staff mobility policy by the 2017 ordinary session of the Coordination Committee, for the Committee to review the use of the Special Salary Increment and to decide on whether to maintain or delete new Regulation 3.25.
- (iii) approved the amendments to the Staff Regulations as provided in Annex VI, to be effective as from school year 2017/2018 or school year 2018, as the case may be;
- (iv) approved the amendment to Staff Rule 8.1.1 as provided in Annex XII;
- (v) approved a derogation to the amended Staff Regulation 3.6 in order to allow the implementation of the one-time measure mentioned in paragraphs 14 and 15;
- (vi) took note of the amendments to the Staff Rules and related annexes as provided in Annexes III, V, VII, IX, XII and XIII.
- (vii) took note of the 'Study on staff mobility' in Annex XI, as well as the Director General's decision to maintain at one year the period of time during which candidates recommended by an appointment board but not appointed may be placed on a reserve list, as provided in Staff Rule 4.9.4.

(ii) Amendments to Staff Regulations on Education Grant for Staff Members Residing, but not Serving, in their Home Country

72. Discussions were based on documents WO/CC/73/4 and WO/CC/73/INF/1.

73. The Legal Counsel explained that the legal opinion of the Office of the Legal Counsel was being provided in response to a request made by the Coordination Committee at its 71st session held in October 2015. At that time, two amendments were proposed to the WIPO Staff Regulations dealing with the education grant. The first proposed amendment sought to remove the entitlement to receive an education grant from staff members who were residing in their home country. The second proposed amendment sought to safeguard the position of staff members who were already employed by WIPO and residing in their home country. In practical terms, the staff members who would be impacted by the proposed amendments were those of French nationality and residing in France. While the Coordination Committee had been prepared to accept the two proposed amendments, it requested the Office of the Legal Counsel to present an analysis on the issue of staff members' acquired rights to receive an education grant, together with relevant information on the financial impact for its decision on whether to delete or maintain the provision safeguarding the position of French staff members already in the employ of WIPO and residing in their home country. The Legal Counsel stated that he believed that the legal opinion spoke for itself. In short, as the opinion concluded, the practice of paying an education grant to those French staff members residing in France could lawfully be discontinued provided it was done prospectively and with sufficient notice. The Legal Counsel further explained that the financial implications of the proposed transitional measure were limited, based on the information available at the time of the study, and the limited transitional measure would only affect 24 staff members with an expected cost of 327,680 Swiss francs over a five year period. It was, therefore, recommended in the second document, WO/CC/73/4,

that WIPO Staff Regulation 3.14(f) be deleted and that it be replaced by a limited transitional measure as proposed.

74. The Delegation of Mexico declared that it supported the Secretariat's approach, so as to do away with Regulation 3.14(f) from the Staff Regulations and Rules and bring in a limited transitional measure into Regulation 12.5, and thus keep the principles of a fair approach. The Delegation also acknowledged that, with regard to acquired rights, this issue would be exclusively for those who would be subject to this measure at the present time and starting from January, the Organization would grant the education grant strictly in line with the Staff Regulations and Rules and thus ensuring that it was in line with the UN common system.

75. The WIPO Coordination Committee approved, effective, January 1, 2017:

- (i) the deletion of WIPO Staff Regulation 3.14(f); and
- (ii) the insertion of a transitional measure in Regulation 12.5, as stated in paragraph 2(ii) of "Amendments to Staff Regulations on Education Grant for Staff Members Residing, but not Serving, in their Home Country" (document WO/CC/73/4).

ITEM 28 OF THE CONSOLIDATED AGENDA

REVIEW OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES (OIOS) REPORT

76. Discussions were based on document A/56/13.

77. The Chair explained that the document is a proposal for the inclusion of a supplementary agenda item entitled, 'Review of the Office of Internal Oversight Services Report'. The Chair recalled that this was a question which had already been the subject of a wide-ranging debate at the previous meeting of the Coordination Committee, which had been held on September 12, 2016, and which had been chaired by Ambassador François Xavier Ngarambé. The Chair, therefore, requested Ambassador Ngarambé to introduce the document and this item.

78. Ambassador Ngarambé reported that an extraordinary session of the Coordination Committee was held on September 12, 2016, and one of the items on the agenda of the meeting was entitled 'Review of the Office of Internal Oversight Services Report'. The Ambassador explained that this item was included on the agenda at the request of a group of Member States, and that there had been a detailed discussion on the issue with interventions by numerous delegations, with the session lasting almost until the end of the day. The Ambassador continued that the report of the session was approved by Member States and had been posted on the WIPO website. Following this considerable introspection, a consensus conclusion had been reached, and the Ambassador proceeded to update the Coordination Committee on this decision and subsequent steps which had been taken from that time. The Ambassador noted that the Coordination Committee first took note of the report on abuse of authority in procurement irregularities implicating a staff member of WIPO. The Coordination Committee took note of the decisions and recommendations made by the then Chair of the WIPO General Assembly, Ambassador Duque, and himself as then Chair of the WIPO Coordination Committee, dated August 5, 2016. The Coordination Committee took note of all interventions by Member States. The Coordination Committee requested the Ambassador, as Chair, to expedite the release of the redacted version of the report prior to September 26, 2016, in advance of the General Assembly, while redacting to protect names and identities of individuals and legal entities. The Ambassador noted that the redacted version of the report was sent to Member States by the IOD on September 23, 2016, along with the redacted comments on the report from the Director General. The Committee emphasized the importance of Member States contributing to the revision of WIPO's Internal Oversight Charter prior to the

Assemblies, and urged all Member States to carefully consider the proposed amendments at the upcoming Assemblies. The Ambassador further noted that a proposal for amendments to the Internal Oversight Charter, submitted by the IAOC, was then under consideration, and it was hoped that it would be finalized that day. Additionally, the Committee requested that the Director of the IOD continue to make the full un-redacted report available to Member States upon request in a controlled reading room environment immediately, through at least the end of the meetings of the 2016 Assemblies. The Ambassador had been informed that the IOD had made the full reports available, and that it continued to be so available. The Committee also recommended to the WIPO General Assembly as follows: To direct the IAOC to consider whether WIPO's General Procurement Principles and related documents should be revised, taking into account the review being undertaken by the Director General as recommended by the Chair of the General Assembly and the Chair of the Coordination Committee, to ensure clarity and transparency, and to submit its conclusion and all recommendations to the PBC for consideration by Member States. With regard to this recommendation, the Ambassador had been advised that the Assistant Director General in charge of the Administration and Management Sector had created a Working Group under his leadership, and involving the Controller, the Director of Procurement and Travel Division, and the Office of the Legal Counsel. The Ambassador reported that this Working Group would build on previous improvements and look at the following: identifying and addressing potential gaps in the procurement process; strengthening controls consistent with WIPO's risk framework and further clarifying roles and responsibilities in the procurement decision-making process; reviewing and strengthening, as necessary, the regulatory framework; and reviewing any opportunity to ensure the procurement process enables a swift but compliant implementation of WIPO's work plan and customer requests. The Ambassador continued that a due diligence process was being carried out with this review, to compare WIPO's procurement work compared to other international organizations. The Ambassador further recalled that the Committee also recommended that the General Assembly direct the review of WIPO's whistleblower protection policy and its implementation, to ensure that the policy takes into account lessons learned, recent recommendations in the area, and best practices from other organizations. The Ambassador noted, as had been mentioned by the Acting Director of the IOD, that the current whistleblower protection policy was being reviewed by the IOD as part of an internal audit of WIPO's ethical framework. The Ambassador concluded his factual update of the developments by noting that there had been exhaustive, lengthy discussions to reach the consensus described, and that actions were being taken in accordance with the Coordination Committee's decision. The Ambassador commended all those involved in the actions and urged them to conclude the full implementation of all decisions taken by the extraordinary session of the Coordination Committee in September 2016.

79. The Chair thanked the Ambassador for the report, to which the Committee had carefully listened. The Chair wished to pick up on the Ambassador's emphasis of the fact that the Committee had reached a conclusion on this matter based on consensus. The Ambassador had now reported to the Committee in an exhaustive manner on the discussions that took place, and the actions which had subsequently been taken as part of that consensus agreed within the Committee. In that same spirit of consensus, the Chair opened the floor to any delegations who wished to comment on the Ambassador's report.

80. The Delegation of Germany assured the Chair of Germany's sustained support in carrying out his responsibilities, and thanked the former Chair of the Coordination Committee, for the briefing, as well as his efforts to garner consensus in the Coordination Committee on this issue. The Delegation recalled that the Coordination Committee had taken note of the OIOS report in the previous Coordination Committee meeting, for the first time. The Delegation was grateful that its requests regarding expediting the release of a redacted version of the report, as well as granting access to the full un-redacted report to Member States upon request, were respected. The Delegation welcomed the assessment carried out by the OIOS, and the recommendations of the 72nd session of the WIPO Coordination Committee for further improvement of governance within WIPO. The Delegation had learned that the IAOC, in consultation with many experts,

was working hard to review the Internal Oversight Charter. The Delegation had also heard that the work has been carried out in a constructive and positive manner, and found this very encouraging. The Delegation was of the opinion that the process of learning from lessons should aim high, and that the Committee should constructively and actively pursue the follow up of the decisions and recommendations of the Committee, as adopted at its extraordinary session on September 12, 2016. The Delegation stated that, as a leading international organization, WIPO has to meet the highest possible standards of transparency and good governance, and that the Coordination Committee must prevent any doubts in this regard. The Delegation was convinced that a constructive, forward-looking discussion of further improvements to the already existing high standards would make WIPO stronger rather than weaker and, in this spirit, urged Member States to take up and strengthen the decisions and recommendations of the Committee constructively, and to contribute to the revision of the WIPO Oversight Charter, the general procurement principals and whistleblower protection policy. The Delegation continued that the Coordination Committee should specify to the General Assembly the recommendations adopted in its extraordinary session on September 12, 2016, concerning these three items as follows, and declared its readiness to provide the following proposal in writing to delegations and the Secretariat: “The 73rd Committee recommended to the WIPO General Assembly that, first, it welcome the audit of the ethical framework currently conducted by the IOD. Second, that the WIPO General Assembly requests the Secretariat to review and revise the whistleblower protection policy, taking into account lessons learned, recent developments in this area including, for example, the recently reviewed WHO whistleblower policy, and requests the IAOC to review and comment on the proposed revision. Third, the WIPO General Assembly requests the Director of the IOD to review WIPO’s procurement policies and procedures. Fourth, the WIPO General Assembly initiates the amendment of the WIPO staff rules and regulations to take into account the recent review of the IOC and to designate the Director of IOD to be the primary, preferred channel of reporting of alleged wrongdoing.”

81. The Chair brought the Member States’ attention to the fact that the Delegation of Germany had tabled a proposal, and thought that it would be very helpful if the Delegation of Germany could distribute the proposal in writing, as offered by the Delegation, so that it could be considered. The Chair further thought that it would be necessary for the proposal to be commented upon and discussed in an informal setting and, therefore, asked the Delegation of Germany to hold some quick informal consultations on the proposal during the lunch break, with the aim of informing the Committee that there were no objections to the proposal in the afternoon session, thereby allowing the Committee to avoid the temptation of getting into a drafting-type discussion.

82. The Delegation of Uganda wished to state, for the record, that it had withdrawn its co-sponsorship of the proposal for the inclusion of the supplementary agenda item entitled ‘Review of the Office of Internal Oversight Services Report’. The Delegation asked, therefore, that it be deleted from the list of co-sponsors.

83. The Delegation of Malawi informed the Assemblies of its withdrawal from the co-sponsorship of Agenda Item 28, document A/56/13 and its Annex, concerning a proposal for the inclusion of a supplementary agenda item entitled the Review of the Office of Internal Oversight Services (OIOS) Report, and stated that the Delegation should be deleted from the list of co-sponsors.

84. The Delegation of China wished to provide its position regarding the OIOS Report, noting that the former Chairs of the General Assembly and the Chair of the Coordination Committee, had convened numerous meetings with Regional Coordinators and Member States so as to examine relevant reports and to seek reviews from all parties. On the basis of careful consideration, the Delegation believed that the reports that had been issued were conclusive, and that they provided full decisions and recommendations. The Delegation thanked both Chairs for their hard work, and fully supported the decisions and recommendations in the

reports of the two Chairs. In the Delegation's view, the discussions on the relevant issues had been exhaustive, and the Delegation reiterated that the Committee should bring the matter to closure as soon as possible. In this regard, the Delegation thanked the Delegations of Malawi and Uganda for their flexibility. The Delegation welcomed ongoing discussions on improvement of rules and procedures in WIPO, thanked the Delegation of Germany for its proposal, and added that it looked forward to constructive dialogue on the subject.

85. The Delegation of Pakistan recalled that the principles of accountability and transparency were essential for the effective functioning of any organization, and should especially be so in the work of a UN agency. The Delegation stated that it was incumbent on Member States to give serious and careful consideration to the OIOS report which, in the view of the Delegation, was in essence addressing the observance, or lack thereof, of these principles in WIPO. The Delegation had serious concerns regarding both the process and content of the report. The Delegation believed that the persistent and completely unwarranted delay in the sharing of the report and the near farcical mode of the viewing of the report raised questions about the reasons for following such a flawed process, and that it reflected serious gaps in the oversight mechanisms of WIPO which required swift resolution. The Delegation recalled that staff rules and regulations provide a system of checks and balances to safeguard against arbitrary decisions, and to ensure objective, fair governance, and that they are applicable to all WIPO employees, including the Director General, and set the standards for the conduct and integrity for the Secretariat. The Delegation welcomed the consultations with Member States under the revision of the oversight charter to fill existing gaps and tighten controls, and saw this as a step in the right direction for enhanced and effective oversight. The Delegation stated that the OIOS report had concluded that the Director General's actions had not complied with WIPO's procurement rules, and that the report observed that the established facts constituted reasonable grounds to conclude that the conduct of the Director General may have been inconsistent with the standards expected of a staff member of WIPO. The Delegation continued that, in regard to allegations concerning the illegal collection of DNA samples, the report noted that many questions remain unanswered due to insufficient cooperation having been extended to the investigators. The Delegation found this most troubling. In the Delegation's view, it was not understandable why cooperation was not extended to the investigators, thereby preventing them from arriving at clear conclusions on this set of grave allegations. The Delegation was of the view that, given the limited time available for delegations to review the OIOS report, and the number of questions which remained unanswered, Member States would be remiss in their duty if they failed to give this issue the attention it warranted. The Delegation believed that peremptorily brushing this matter away would do more harm to the credibility of the Organization and, therefore, that the OIOS report should remain on the agenda until the capitals of Member States have had sufficient time to thoroughly consider this important and sensitive report, and were able to provide appropriate feedback to their delegations in Geneva.

86. The Delegation of Nigeria, addressing the review of the OIOS report, regretted the manner in which the whole matter was handled. The Delegation believed it important to point out that WIPO was a member driven organization, and to underscore that Member States all had the collective responsibility to ensure and uphold the integrity, transparency, accountability and good governance of the Organization and its bodies. The Delegation welcomed the ongoing consultations to review the Internal Oversight Charter as a mechanism for mitigating such experiences in the long term, and to ensure predictability and confidence in investigations within the system of WIPO.

87. The Delegation of the United States of America noted that the September 12, 2016, decision of the extraordinary session of the Coordination Committee had set out a forward-looking plan for significant procedural changes that must be made within WIPO to tighten and improve institutional policies pertaining to procurement, whistleblower protection and investigations. The Delegation looked forward to continuing the constructive collaboration already underway on these improvements. The Delegation was glad that Member States finally received the copy of the redacted report so that full and informed consultations could be

undertaken with capitals. The Delegation wished to note its appreciation for the efforts of the IAOC and of all the Member States to review the Internal Oversight Charter, and to identify necessary improvements to take into account lessons learned and to ensure transparency and accountability and the path forward. The Delegation welcomed the proposal put forward by the Delegation of Germany, and supported the Chair's suggestion to discuss it further over the lunch break.

88. The Delegation of Fiji stated that the matter of allegations against the Director General had been a most challenging issue for the Coordination Committee, requiring both a high degree of responsibility for WIPO as an institution, and professionalism, given that this was a discussion on the processes and procedures to be adopted when the conduct of a person holding the position of Director General was under scrutiny. In that regard, the Delegation considered that it would have been advisable to have the discussion in the absence of the Director General. The Delegation made the following comments on the procedures so far. First, WIPO was the responsibility of the Member States and it was their duty to ensure that, as an organization, it operated with efficiency, integrity, and as much transparency as possible, preserving the identity, and confidentiality of information given by whistleblowers. The Delegation believed that the internal processes of WIPO in the circumstances of the investigation report into the alleged conduct of the Director General had been portrayed as lacking in clarity, thus leading to delay in the disclosure of the result of the report to the Member States. The Delegation noted that many Member States had still not seen the un-redacted copy of the report, and that the redacted copy was so heavily censored as to be almost incomprehensible. The Delegation was happy that it had been circulated at all. The Delegation reiterated that WIPO's processes must not only be above criticism, but must also be perceived as being transparent, predictable and applied in a uniform, objective manner. In the view of the Delegation, this was not the perception that many Member States had. Clearly, there was a great deal of room for reform and improvement, so this situation would not arise again in future. WIPO and the staff of WIPO must believe in the ability of Member States to deal fairly with what is clearly a difficult situation for all. In the interests of building WIPO's internal integrity as an institution, the Delegation joined with interested Member States to suggest changes to the IAOC charter, in order to ensure greater clarity in the procedures to be followed when officers at the highest levels of WIPO are under investigation. To that end, the Delegation was happy to support the proposals made by the Delegation of Germany. Finally, with regard to the results of the report of the OIOS itself, the Delegation recommended that Member States read the report, redacted or un-redacted, and they could make appropriate recommendations to the Coordination Committee, which has the regulatory powers to make recommendations on discipline to the General Assembly. Those recommendations could include substantive steps to be taken in relation to the recommendations of the report. The Delegation stated that it was impossible to discuss the substance of the report, since there had not been qualitative discussion on the substance of the allegations or qualitative input from Member States. In the Delegation's view, it would be impossible to dismiss the allegations without such a discussion.

89. The Delegation of Mongolia was of the view that neither the review, nor the findings of the final investigation report by the OIOS, contained conclusive evidence for unlawful or irregular action by the Director General in both cases. Moreover, the Delegation noted that the Chairs of the General Assembly and the Coordination Committee had held broad consultations with Member States in a transparent manner, considered relevant findings presented in the report, and made conclusions and recommendations on the way forward. Thus, Member States of the Coordination Committee had already discussed this matter. The Delegation reiterated that the Coordination Committee should close the matter with no further action, and no further action or investigations concerning the alleged misconduct, and follow the recommendations made by the former Chairs of the General Assembly and the Coordination Committee, in accordance with the current WIPO Internal Oversight Charter. The Delegation believed that the closure of this matter would be in the larger, longer-term interest of the Organization and all IP stakeholders. Further, concerning the second recommendation, the Delegation agreed with regard to the

issue of potential deficiencies, if any, in WIPO's procurement system, and looked forward to constructive discussion on this matter.

90. The Delegation of Bangladesh, speaking on behalf of the 48 members of the Least Developed Countries (LDCs) Group, reported that the Group had studied the OIOS report and found no distinguishable evidence against any person or persons, and that the members of the Group agreed with the conclusions of the former Chairs of the General Assembly and of the Coordination Committee to close the issue, based on a legal and rational premise. The Group assured that it would remain constructively engaged with any effort to revise and update WIPO's Internal Oversight Charter, as well as WIPO's existing procurement principles and procedures, which had also been indicated in the OIOS report and the report of the two former Chairs.

91. The Delegation of Chile supported both the form and substance of what had been done to date, as reported by Ambassador Ngarambé, as well as the recommendations made. The Delegation recalled that, as it had stated during the previous Committee session, it had been able to examine the investigation report of the OIOS, and to present its suggestions at both bilateral and informal meetings, and so it supported concluding this item, to continue to work independently when such issues arise in the future. The Delegation believed that the work of the Ambassador of Mexico on the amendments to the Internal Oversight Charter would assist in facing this kind of situation in the future, as would the recommendations made by the Coordination Committee with regard to procurement, whistleblower regulations, and other matters. The Delegation thanked the Delegation of Germany for its proposal, and was happy to accept the proposal that Member States take the time to examine it.

92. The Delegation of Tajikistan, speaking on behalf of the CACEEC Group, wished to reiterate its position, as delivered at the previous session of the Coordination Committee. The CACEEC Group expressed its gratitude to the UN Office of Internal Oversight Services for a comprehensive consideration of the matter under discussion. The CACEEC Group noted with appreciation the conclusions set forth in the report, and was of the understanding that the requested procedure related to the case at issue had been successfully carried out, such that there was no need for further consideration.

93. The Delegation of India wished to repeat its position on this sensitive issue, as first set out in its statement of September 12, 2016, and at the opening of the General Assembly. On the issue of the OIOS report, the Delegation of India noted with concern that there had been attempts to drag this matter, specifically on investigation process, *ad infinitum*. The Delegation recalled that, after the receipt of the OIOS report number 36/16, case number 0164/15, the previous Chairs of the General Assembly and Coordination Committee, in accordance with Article 32 of the WIPO Internal Oversight Charter, carefully reviewed the aforementioned report. Both Chairs consulted with Member States and, after considering all the relevant facts of the case which were presented before them, that included the quality of evidence supporting the findings of the OIOS as well as views advanced by the Member States, they drew conclusions and made concrete recommendations, keeping in mind WIPO's best interests. The Delegation believed that Member States must respect the decision of the previous Chairs of the WIPO General Assembly and the Coordination Committee, as they represented the common voice of Member States. In the Delegation's view, the decision should be viewed holistically, keeping in mind the larger picture and taking a long view. The Delegation believed that it was important to avoid the fallacies of short sightedness, and that the Committee needed to bring a logical closure to this issue which had been lingering for several months. The Delegation warned that further delay in tracking a decision on this matter would erode WIPO's credibility and there was a risk that indecisiveness might lead to irreparable damage to the institution, which is the bedrock of the global IP system. The Delegation believed that Member States should bring finality to this matter at the earliest, in the larger interest of WIPO, and wherever there was doubt, the benefit should be extended in such a manner so that the Member States are able to focus on the important normative issues in front of them, as well as work toward streamlining WIPO's governance structure, including the revision of WIPO's Internal Oversight Charter and

WIPO's procurement principles and procedures. Member States should ensure that the functioning of the Organization is more transparent, more inclusive, and open to translating constructive feedback from the Member States into its day-to-day work. Finally, the Delegation thanked the delegations of Uganda and Malawi for their constructive approach and urged Member States to keep in mind the larger interest of WIPO, in moving forward.

94. The Delegation of the Democratic People's Republic of Korea said that it had been closely following this debate, which had been very hot in the last couple of years, especially in light of the OIOS report, on the one hand, and the responses made by the Director General, on the other. In this respect, the Delegation had been taking note of the decisions made by the two Chairs, through various consultations with many stakeholders, aimed at concluding the investigation. The Delegation observed that, in the course of debating this issue, Member States had already consumed a large amount of time and energy, which were valuable for the proper functioning of WIPO. In the Delegation's view, this had, in fact, caused a lot of damage to the image, as well as to the credibility, of the Organization, which was not in its best interests, nor in the best interests of Member States in general. Of course, the Delegation did believe, and had consistently asserted, that Member States should continue to seek ways of further improving the working methods of the Organization. The Delegation clarified, however, that this did not necessarily mean that Member States should engage in a debate which was actually discrediting the reputation of the Organization, and was contributing to delays in the proper and effective functioning of the Organization. The Delegation, therefore, wished to assert that it would continue to hold the position that this issue should come to an end as early as possible.

95. The Delegation of Ecuador wished to explain its position on the item, given that a group of Member States had requested that it be on the Coordination Committee's agenda. The Delegation began by recalling that Article 32 of the Internal Oversight Charter said that the Chairs of the Coordination Committee and the General Assembly should see the final reports of an investigation into the Director General, and take appropriate measures. The Delegation reminded the Committee that, in the report circulated on August 5, 2016, the former Chairs of the General Assembly and the Coordination Committee concluded that there was no substantiation for the involvement of the Director General in the allegations and no infringement, on the basis of having seen the report of the OIOS and after having engaged in widespread consultations. Among the recommendations that they reached, the Chairs indicated that the investigations relating to the supposed misconduct of the Director General with respect to two grave allegations should be concluded. The Delegation thought that the matter was clear in this case, and that the recommendation of the former Chairs of the General Assembly and the Coordination Committee (in whom, the Delegation reminded, Member States put their trust when they elected them to carry out their duties) should be respected. In the Delegation's view, not respecting the recommendation of the former Chairs would not only be contrary to a unstated rule, but would also, once again, weaken the structures of WIPO, which would not be to the benefit of either the Organization, or its Member States. The Delegation reiterated that, bearing in mind that the recommendations had been reached by consensus in the Committee, it was now time to leave this matter behind, and direct the Committee's attention to the present challenges facing the Organization.

96. The Delegation of South Africa said that it had carefully examined the investigation report, as well as given thoughtful consideration to the response of the Director General. The Delegation thanked the Committee for the redacted report which was duly forwarded to its capital for consideration, as per the outcome of the extraordinary session of the Committee. The Delegation was satisfied with the speed of process. The Delegation believed that it addressed the delicate balance called for by Member States, between transparency and confidentiality. The Delegation had noted the findings of the report, and was of the view that the matter had been concluded with regard to the first issue. The Delegation affirmed the commitment of the Government of South Africa to organizational transparency and oversight, and believed that Member States had the responsibility to exercise oversight and due diligence when confronted with shortcomings and gaps that may unwittingly bring the Organization into

disrepute. The Delegation supported provisions that would strengthen the Organization, and clarify the rules of WIPO's general procurement policies for staff and Member States alike, to avoid reoccurrence of such issues in the future. The Delegation continued that these provisions would go a long way to creating legal certainty, as well as affording officials the necessary space they need to conduct the important work of WIPO without fear of trial or retribution. Finally, the Delegation looked forward to a speedy conclusion of the matter.

97. The Delegation of Japan appreciated the efforts made by the former General Assembly and Coordination Committee Chairs, as well as the IOD and IAOC, to expedite the process and to balance confidentiality and transparency. The Delegation believed that Member States had already discussed the OIOS report at length, and was of the view that this issue should be closed as soon as possible in order for Member States to concentrate on other important technical issues. At the same time, the Delegation reaffirmed its willingness to discuss the ongoing aim of enhancement of the governance of WIPO and, in this regard, appreciated the efforts made by the persons involved.

98. The Delegation of Sweden thanked the outgoing Chair for his valuable work in the Committee including the work he and his colleague, the former Chair of the General Assembly, had done, and for their engagement and hard work and for making the OIOS Report available. The Delegation believed that good governance, accountability, transparency and simplicity are of the utmost importance. The Delegation welcomed and supported the statements and proposal made by the Delegation Germany, and thanked that delegation for having organized informal discussions earlier that day. The Delegation thought that the OIOS report, and the process around it, showed that there was a need to work to further improve the management culture in the Organization, and to review and revise WIPO's internal governance documents, including the ethics policy, the staff rules and regulations, the procurement policies and procedures, the whistleblower policy and the Internal Oversight Charter. The Delegation noted that some of this work was already ongoing, and thought that the ongoing work should also aim to align WIPO's policies and procedures with best practices in comparable organizations, where appropriate.

99. The Delegation of Belarus supported the work done on the review, and believed that further work on this issue would detract the Committee's attention from the other items on the agenda. The Delegation stated that there was, therefore, no need to continue the discussion on this item.

100. The Delegation of the Russian Federation fully supported the statement made by the Delegation of Tajikistan on behalf of the CACEEC Group. Having carefully examined the report and its recommendations, the Delegation believed that the investigation had been properly carried out, and that the report was exhaustive in nature. Therefore, at this stage, the Delegation believed that the matter was closed, and said that this would enable the Coordination Committee to focus on the substantive work of the Organization.

101. The Delegation of Peru reiterated its commitment to the principles of transparency and governance that steer the Organization. In this regard, the Delegation welcomed the fact that this theme had been examined in open consultations, making it possible for all Members to express their views regarding the examination of the OIOS report. The Delegation also underscored the fact that, as a result of this process, a decision had been adopted by the Coordination Committee on September 12, 2016. The Delegation considered that the actions adopted during that meeting of the Coordination Committee, which had been detailed in the report by the former Chair that morning, had been in full compliance with the expressed will of WIPO Member States. For example, the redacted version of the report had been distributed in a confidential manner, and the Delegation had sent the report to its capital. Therefore, and in so far as the necessary actions had been taken in this regard, the Delegation added its voice to those who had already said that they considered that this theme should be closed. The Delegation warned that continuing this theme would not only weaken and discredit the image of

WIPO before the international community but, furthermore, it would distract the Coordination Committee's attention from its main concern of discussing substantive questions on the agenda. The Delegation added that if this stage of the process could be closed, this would mean that the Committee would need to draw the lessons to be learned. The Delegation referred to the proposals made by the Delegation of Germany and the consultations organized. The Delegation observed that the recommendations made by the Coordination Committee were very important ones, including examining procurement principles, and seeing whether or not the whistleblower protection policy requires any review or changes. The Delegation thought that this would make it possible to strengthen the Organization, and the Delegation was sure that this was in the essential interest of all of its Members.

102. The Delegation of Ethiopia recalled that it had already expressed its position that the investigation should be ended, as there was no concrete evidence to suggest that there had been a violation of the WIPO rules, procedures, and the standards required of WIPO staff. The Delegation believed that Member States had to put the issue behind them and, instead, look forward to how to further strengthen the procurement system, as suggested by the Chairs of the Coordination Committee and of the General Assembly.

103. The Delegation of Jamaica thanked the Chairs of the General Assembly and the Coordination Committee for their work and their judicious attention to matters relating to this agenda item. The Delegation was aware that this matter had been the subject of exhaustive discussions in the Coordination Committee and beyond. The Delegation took note of the proposal made by the Delegation of Germany, and the Chair's recommendation that consultations be undertaken in order to facilitate the way forward on that proposal. The Delegation saw merit in the suggestions as put forward. On the matter of the inclusion of the item, 'Review of the OIOS report', in the agenda of the General Assembly, the Delegation was somewhat perplexed. The Delegation agreed that the matters addressed in the oversight exercise were quite important, and noted that the oversight exercise in question might have bearing on the lessons learned approach which had informed the constructive proposals made by the Delegation of Germany. The Delegation would, however, be concerned that, in triggering a review of the report by the General Assembly, members could in effect, be seen as rejecting and calling into question the exercise of competent authority by the Chairs of the General Assembly and the Coordination Committee in accordance with their mandate. The Delegation further noted that Members could be initiating a procedure for which there existed no clear authority or guidelines, since paragraph 32 of the Internal Oversight Charter placed responsibility for action on final reports in the hands of the Coordination Committee and General Assembly Chairs. Silence on this matter may have given cause for such a course of action – as reference to the General Assembly – to be contemplated. But the explicit vesting of the responsibility of action in the hands of these two able positions and individuals spoke for itself. The Delegation had full confidence in the actions taken by the former Chairs of the General Assembly and the Coordination Committee, in accordance with their mandates and relevant procedures, and concurred with those delegations that had stated that the matter should rest on the basis of the decisions of the Chairs, of which the Committee had duly taken note.

104. The Delegation of Guinea added its voice to the declaration made by the Delegation of Nigeria on behalf of the African Group. With regard to the OIOS report, the Delegation wished to urge that Members bring an end to this procedure and turn their gaze to the future, as this was of essential importance.

105. The Delegation of Paraguay reiterated that which it had stated at the opening of the Assemblies, and also during the extraordinary session of the Coordination Committee held on September 12, 2016, and which was contained in document WO/CC/72/4. The Delegation supported the decisions and recommendations made by the Chairs of the Coordination Committee and the General Assembly. The Delegation hoped to be able to bring to an end the investigations that had been carried out by the OIOS. The Delegation thought that the situation weakened and discredited the image of WIPO before the international community. The

Delegation stated that the support and the trust which the Member States placed in WIPO and also vested in its Director General were reflected in the current General Assembly, once again. The Delegation was in favor of measures being taken for which there was consensus, so that similar situations would not be repeated. Finally, the Delegation requested that its statement be entered into the minutes of the meeting under Agenda Items 28 and 29.

106. The Delegation of Australia supported the authority of the General Assembly and the Coordination Committee Chairs to make independent decisions and recommendations on this matter. The Delegation recognized the recommendations and decisions of the Chairs and noted that the Chairs had now closed the investigation. The Delegation also recognized and acknowledged the follow-up action being taken, as had been outlined that morning by Ambassador Ngarambé, to implement all of the Chair's recommendations and decisions of the Member States. The Delegation observed that there were many positive and forward looking agenda items that the membership was now actively pursuing, in relation to oversight, and that Australia had been an active and constructive participant in these, including on the review of the Internal Oversight Charter with the IAOC and other members, to assure that it was a model for the efficiency, independence and transparency of investigatory processes.

107. The Delegation of Mexico was happy to have the opportunity to refer to the OIOS report. The Delegation recalled that it had expressed its opinion during the Coordination Committee meeting and stated that, on this occasion, it wished to speak to the plenary, to better inform it, and to read and examine the report of the Office carefully. As the Delegation saw it, this was a very clear sign of transparency. The Delegation was happy to see the measures taken to make sure that Member States could have the redacted version of the report, with the names and identities of the physical and legal persons omitted in order to protect them, as well as the fact that Member States had the possibility to examine the full report in controlled conditions. The Delegation was convinced that, without setting aside the importance of preserving confidentiality, a balance must be struck in the mechanism to make it possible for Member States to dispose of the reports in opportune fashion. As far the Delegation was concerned, it was indispensable to be mindful of the content of the report, to read it carefully and then speak its mind with respect to the report. The Delegation hoped that, going forward, there would always be a focus on transparency. At the same time, there was confidentiality, which was needed in this type of case. The Delegation was convinced, furthermore, that transparency would be positive for the Organization, by avoiding the negative effect of rumors. This was the reason why the Delegation insisted that open, informed consideration on all things was the best way forward. The Delegation recalled its position that, as stated in the earlier Coordination Committee session, once the reading of the report was completed, Member States would have an obligation to adopt the various procedures and provide the highest level of transparency in the processes. There would have to be a review of WIPO's general policies when it came to making information and other pertinent documents available, while bearing in mind the review that was already being conducted by the Director General, to provide for transparency and clarity. The Delegation continued that there should be examination of the WIPO policy for the protection of whistleblowers—an element that was of key importance to providing the necessary guarantees to all those involved in these investigation procedures. The Delegation expressed its positive view of the actions carried out by the PBC and noted, in this regard, that it was undergoing consultations on the theme. The Delegation thought that, with a positive spirit and transparency, the Committee would be able to adopt a positive decision. The Delegation assured the Delegation of Germany that it could count on its support in the procedure in order to continue to improve the activities of WIPO, whose work was highly appreciated by Mexico.

108. The Delegation of Hungary had followed the report issued by the OIOS, and strongly believed that the procedure upon which the Chairs of the WIPO General Assembly and the Coordination Committee had made their decisions and recommendations had been inclusive, and had fully complied with the relevant rules applicable, and in particular with Article 32 of the Internal Oversight Charter. As a consequence, the Delegation was of the view that the decisions and recommendations made by the two Chairs could be considered final and valid.

The Delegation added that these decisions and recommendations should be respected and followed, which meant that the case contained in the OIOS report was closed, and there was no need to reopen or renegotiate them. The Delegation, therefore, saw no reason to further review this report in the Coordination Committee, or in any other WIPO bodies. The Delegation supported the views expressed by the Delegation of Jamaica as regards the inclusion of the review of the OIOS report in the agenda of the General Assembly. At the same time, the Delegation remained open to actively participating in negotiations that could lead to streamlining internal rules of the Organization and to improving transparency.

109. The Delegation of Côte d'Ivoire had been keeping a close watch, and listening to the report of the outgoing Chair, on the examination of the report of the OIOS. The Delegation wished to make sure that the Committee maintained the positive dynamic that had made it possible for WIPO to make the sizable progress that had been accomplished under the chairmanship of the Director General. The Delegation was in favor of any proposal which made it possible to bring this procedure to an end and, furthermore, agreed with any amendment of the charter in order to improve governance, in so far as this was carried out within the rule of law. The Delegation welcomed the various measures that were envisaged by the Secretariat on the basis of the recommendation made by the Coordination Committee.

110. The Delegation of Congo supported the in-depth work carried out by the OIOS, and wished to reiterate its full agreement with the conclusions provided by the Coordination Committee and the Chair of the Assemblies as adopted earlier. From the standpoint of the Delegation, the Organization must be able to move on to the future. The Delegation noted that the investigation had been a nagging question, but that it should not take any more time. The Delegation thanked the delegations of Malawi and Uganda for the flexibility that they had shown, and reiterated that it was time to once and for all close this matter, and to move on to the issues that were important for the Organization.

111. The Delegation of Singapore stated that its position remained the same as it had expressed in its national statement on the opening day of the General Assembly on October 3, 2016, and during the relevant discussions at the extraordinary session of the Committee convened on September 12, 2016. As its position was already on the record, the Delegation did not wish to repeat all the points previously made. It did, however, reiterate the following. The then Chairs of the General Assembly and the Coordination Committee had handled this important and sensitive matter in a highly commendable manner. They had also consulted extensively and in an inclusive way, appropriately addressing the dual objectives of transparency and confidentiality. The Delegation recalled that the un-redacted version of the OIOS report and the DG's response had been made available for delegations to peruse and, moreover, that the time period for doing so had been extended in response to requests made to the then Chairs. Furthermore, following from the Coordination Committee decision of September 12, 2016, the un-redacted version had again been made available for those wishing to consult it to do so. The Delegation noted that the Chairs had consistently abided by spirit and the letter of WIPO's rules and procedures, in keeping with Article 32 of the WIPO Internal Oversight Charter which states, *inter alia*, that final investigation reports concerning the Director General shall be submitted to the Chairs of the General Assembly and the Coordination Committee for any action deemed appropriate. The Chairs had conducted a review, which was conveyed to Member States in a communication dated August 5, 2016. The Delegation, therefore, supported the Chairs' decisions and recommendations as contained therein including, in particular, the decision to close, with no further action, all investigations regarding alleged misconduct of the Director General in both the DNA and procurement cases. The Delegation stated that it was in that spirit that it had joined in the consensus decision of the Coordination Committee when it had met in extraordinary session on September 12, 2016. The Delegation looked forward to productive engagements in the ongoing work to improve WIPO's operations.

112. The Delegation of Benin stated that it had been closely following the presentation made that morning by Ambassador Ngarambé, and supported the recommendation made by the

Coordination Committee to end the investigation carried out regarding the audit of the financial management of the Organization for the year 2015. The Delegation recommended that Member States all work together in order to provide WIPO with both the strong basis, and also the wherewithal, required to carry out positive activities in favor of IP. The Delegation further supported the statement of the Delegation of Bangladesh in favor of the LDCs.

113. The Delegation of Serbia expressed its view that the procedure related to the case at issue had been successfully carried out, and that there was no need for it to be considered further. The Delegation believed that the recommendations made by the two previous Chairs should be respected, and firmly believed that these were in full compliance with existing WIPO rules and procedures. In this regard, the Delegation considered this topic closed.

114. The Delegation of Thailand appreciated the work done by the former Chairs of the General Assembly and the Coordination Committee on the review of the OIOS report. The Delegation noted that it was not an easy task to try to strike a balance between transparency and confidentiality. The Delegation, therefore, fully respected the decision and the recommendations of the two Chairs on this issue. The Delegation also wished to echo the call from other Member States to close the investigation, so that the Organization could move on, and focus more on its deliberations on various substantive issues before it. The Delegation assured that it stood ready to constructively participate in the discussion to enhance the transparency, good governance, and efficiency of WIPO for the benefit of the Organization and of Member States as a whole.

115. The Delegation of Kazakhstan supported the position expressed by the Delegation of Tajikistan on behalf of the CACEEC Group.

116. The Delegation of Romania appreciated the great efforts the former Chairs of the General Assembly and the Coordination Committee had invested in trying to reach a solution on the topic which was under discussion. The Delegation had carefully listened to all the views expressed so far, and fully supported the efforts for improving WIPO's relevant procedures, in order to better reflect transparency and good governance requirements. However, the Delegation was not of the opinion that maintaining this topic on the Committee's agenda would be productive. Therefore, the Delegation was ready to support the solution that would help the current General Assembly to take a final decision on this issue.

117. The Delegation of Luxembourg welcomed measures taken to improve the clarity and transparency of WIPO's procedures, and thanked the Delegation of Germany for its proposal which would turn the page on a very lengthy matter which had raised fundamental questions, and which had meant that the Organization had emerged stronger.

118. The Delegation of Turkey had read the report of the OIOS and took note of its contents. The Delegation appreciated the hard work of the former Chairs of the General Assembly and the Coordination Committee. The Delegation saw the work of the overall investigation and audit bodies, and was also in favor of considering amendments to the Internal Oversight Charter and all the rules and procedures, as they were the rules and regulations concerning procurement. The Delegation was of the view that this issue should be closed, and that Member States should focus on the technical and development aspects as a way forward.

119. The Delegation of Malaysia acknowledged receipt of the redacted OIOS report, and wished to register its thanks to the former Chairs of the General Assembly and the Coordination Committee for the report. The Delegation recognized the responsibility of the former Chairs of the Coordination Committee and the General Assembly for this matter, and agreed for this long-standing case to be brought to an immediate close, so as not to detract WIPO from its core work. The Delegation believed that maintaining this item on the agenda would be counterproductive. As a way forward, and to prevent recurrence of such incidents, the

Delegation remained open to continuing to engage with WIPO and the Member States to strengthen WIPO's rules and procedures.

120. The Delegation of Gabon took note of the report of the OIOS, and was in favor of a recommendation that would lead to a climate of peace in WIPO. The Delegation believed that the challenges regarding reform should be the focus of Member States' time and energy.

121. The Delegation of Tunisia supported the statement made by the Delegation of Nigeria on behalf of the African Group. The Delegation had studied the recommendation of the OIOS, and was in favor of closing the matter. The Delegation stressed the importance of strengthening governance in the Organization, so as to promote IP throughout the world.

122. The Delegation of the Republic of Korea was of the opinion that this discussion should be concluded as quickly as possible, so as not to affect the credibility and reputation of WIPO. In order to enhance transparency at WIPO, the Delegation assured that it would take an active part in any discussion on whether there is a need to amend WIPO processes or regulations, including the Internal Oversight Charter, whistleblower and procurement policies, and procedures on the basis of the facts of that case.

123. The Delegation of Denmark was pleased to receive the redacted copy of the investigation report, and the comments made during the session, too. The Delegation also thanked the OIOS for its work and the conclusive report bringing the case to a close. However, the Delegation welcomed the Coordination Committee's recommendations and the work already taking place in this regard. The Delegation believed that these initiatives would help in the future. The Delegation also looked forward to discussing the Delegation of Germany's proposal.

124. The Delegation of Brazil had closely followed the discussions on this issue, and had a commitment to transparency and governance in this Organization. The Delegation welcomed the consultation regarding the ongoing revision of the Oversight Charter and, as it had stated in the September session of the Coordination Committee, the Delegation supported the improvement of WIPO's procurement policy in order to avoid similar incidents in the future. In that regard, the Delegation would analyze with interest the proposal circulated by the Delegation of Germany.

125. The Delegation of Viet Nam appreciated the decision and the recommendations of the Chairs of the General Assembly and the Coordination Committee. The Delegation was of the view that the issue should conclude, and that WIPO should concentrate on more important and substantive issues.

126. The Delegation of the Netherlands looked forward to discussing the proposal by the Delegation of Germany, which it considered an important step to act on lessons learned, to improve rules and procedures in order to strengthening governance and enhancing transparency for the best interests of the Organization.

127. The Delegation of Bulgaria stated that it had been very carefully examining the OIOS report and listening to the deliberations on this matter. The Delegation noted that much had been said on the issue in the present session, and it did not wish to repeat the arguments already expressed. The Delegation took note of and thanked the Delegation of Germany for the proposal made on this agenda item. Nevertheless, the Delegation considered that reopening the case would divert the Committee from the real purpose of its meeting during the General Assembly. At the same time, the Delegation emphasized that it stood for maintaining transparency and constructiveness in order to provide the Organization with the stability it needed to cope with its substantive work. The Delegation expressed its support for agreement to close the case as, in its assessment, there was no need for further review.

128. The Chair wished to take up an outstanding item, being the request that the Delegation of Germany carry out consultations on the proposal that it had made that morning. The Chair

understood that these consultations had taken place, and that the Delegation of Germany was in a position to inform the Committee of the results of the consultations. The Chair thought that this would help the Committee to conclude its discussions on this item.

129. The Delegation of Germany thanked the Secretariat for its patience and participation in the consultation process. The Delegation reported that very constructive discussions had been held with all interested delegations, concerning the possible decision paragraph on this issue, and that copies of the proposed decision paragraph were then being prepared for everyone in the room so that all could read it. The Delegation sought the Chair's advice on whether it should wait until the copies were ready, or on how it should proceed.

130. The Chair understood from the comments of the Delegation of Germany that the results of the consultation had been positive. In other words, that there had been a general agreement that the proposal of the Delegation of Germany emerging from the consultations would be acceptable to all. Given that photocopies were being made, the Chair suggested that the Coordination Committee could make progress if the Delegation of Germany read out the proposal so that the discussion would be on record, and so the Committee would have time to listen to it first, and then read it once the copies are distributed.

131. The Delegation of Germany suggested that it read out the proposal very slowly, and that it could comment on the proposal later, when everyone had a copy, to explain the proposal, if it were required. The Delegation reported that the proposal which had been discussed with interested delegations read as follows: "The 73rd Coordination Committee reaffirms the decision of the 72nd extraordinary session of the WIPO Coordination Committee and recommends to the WIPO General Assembly to: first, welcome the audit of the ethical framework currently being conducted by the IOD; second, request the Secretariat to review the whistleblower protection policy, taking into account lessons learned, recent developments in this area, and best practices from other Organizations; and requests the IAOC to review and comment on the proposed revision; third, request the Chief Ethics Officer to also include in the annual report information on any active case of retaliation against witnesses who cooperate with an investigation of a report of wrongdoing, consistent with applicable WIPO procedures; fourth, request the Director of the IOD to review WIPO's procurement policies and procedures after the review currently being undertaken by the Director General, as recommended by the General Assembly and the Coordination Committee Chairs, to ensure clarity and transparency in WIPO's procurement process, so that the conclusions and/or recommendations could be submitted to the PBC for consideration by Member States; fifth, take into account the outcome of the ongoing review of the Internal Oversight Charter, and consider taking any necessary follow-up actions, including the amendment of the WIPO staff rules and regulations as required." The Delegation could see that hard copies of the proposal had started to be circulated and, therefore, wished to make some comments on it. The Delegation thought that one very important point for many delegations was that the Coordination Committee reaffirm the decision of the 72nd Coordination Committee. The idea of this was not to change either the content or the principle of the decision, but rather to make it more clear, and the process more transparent. The Delegation clarified that the first paragraph had originally been drafted together with the second paragraph, because the whistleblower protection policy falls under the audit of the ethical framework. However, it had been decided to separate these two paragraphs in order to make it more clear. Therefore, the first paragraph had only a declaratory character in that it said that the Coordination Committee welcomed this. The Delegation continued that the second paragraph took into account that the whistleblower policy was currently under review, and that the new element in the paragraph was the request that the IAOC review and comment on this. The thinking behind this was that since the IAOC had been very much involved in this process, delegations wished to seek its guidance regarding this very important point, as well. The Delegation further explained that the third paragraph was included as a result of a suggestion made during discussions, and had not existed in the original decision paragraph. Its purpose was to increase transparency in this context, as well. Regarding the fourth paragraph, the Delegation stated that this point had been covered in the original proposal, but had been even

more clear concerning the question of processes, and especially the ongoing process which has been undertaken by the Director General. Here again, the idea was that after the review undertaken by the Director General, the IOD would look at the whole picture. The Delegation suggested that the IAOC could give advice on this, when reviewing the work of the IOD. The Delegation further explained that the fifth paragraph was much leaner, and stated that the Coordination Committee take into account the ongoing work, and recommended to the General Assembly that it consider taking follow up actions. The Delegation remarked that this was more a political statement on behalf of this important Committee to the General Assembly, as a confirmation of the support of the Committee. Finally, the Delegation added that this proposal was the result of very constructive and positive discussions with all interested delegations. As such, the Delegation hoped that no further amendments would be requested.

132. The Chair thanked the Delegation of Germany for its effort and proposal, and for reminding the Committee of the status of the document. The Chair emphasized that the document was the result of broad-ranging consultations that had taken place since that afternoon. The Chair understood that it covered the interests and concerns of all those delegations interested in the matter, and which had taken part in these consultations. Therefore, in the light of the Delegation of Germany's information, the Chair understood that the proposal included language that could be accepted by the Coordination Committee.

133. The Delegation of China sought clarification from the Chair as to whether he was addressing the proposal made by the Delegation of Germany, or the decision of the Coordination Committee.

134. The Chair clarified that he was addressing the decision that the Committee was going to take on the proposal made by the Delegation of Germany, which had been the subject of extensive consultations.

135. The Delegation of China stated that having heard so many statements by Member States, if the question was the decision of the Coordination Committee, it wished to add some words on the proposal. The Delegation recalled the fact that most Member States had expressed the view that the investigation should be concluded. Given this fact, the Delegation wanted to add some language to this effect, such as recognizing the decision of the General Assembly Chair and the Coordination Committee Chair to close the investigation with no further action.

136. The Chair acknowledged the proposal made by China, but noted that this was not a drafting committee. As such, he was not going to give the floor to anyone for any drafting proposals. The Chair would welcome reactions to the text, and would then ask the Delegation of Germany to consult with the Delegation of China and any other delegation which believed that the text could be improved, to continue that conversation. However, in the format of the whole Coordination Committee, the Coordination Committee was not going to engage in any drafting, as it had a number of other issues to look at. As there were no further speakers on this issue, the Chair determined that the Committee had concluded the discussion on Agenda Item 28. The Chair reiterated that the Delegation of Germany would be given one more opportunity to discuss the proposal again with any delegation who thought that they may have improvements to suggest. The Chair thought that the general feeling in the room had been made quite clear on the subject of Agenda Item 28, so he asked for the Members' cooperation with the Delegation of Germany to find wording that was acceptable to everyone. The Chair emphasized that he would not reopen a discussion on substance, since the list of speakers on Agenda Item 28 had finished. The Chair made it clear that he would only give the floor to delegations on a point of order, and nothing else.

137. The Delegation of Tajikistan was interested to participate in the informal consultations, and supported the proposal made by the Delegation of China.

138. The Chair requested that the Delegation of Tajikistan contact the Delegation of Germany.

139. The Delegation of Belarus also supported the proposal for consultations. However, before the consultations, the Delegation wished to draw the attention of the Coordination Committee to paragraph 5, which was to take into account the outcome of the review and take any necessary follow-up actions. The Delegation was against that wording.

140. The Chair acknowledged the position of the Delegation of Belarus, but reiterated that such comments should be raised directly with the Delegation of Germany, since it was the proponent of the text, and it was the Chair's intention to avoid transforming the Committee into a drafting committee meeting.

141. The Delegation of Switzerland stated that it has always attached a great amount of importance to the principle that this report be dealt with in full transparency. The Delegation had, therefore, requested that the OIOS report be published as soon as it was finalized. The Delegation was pleased that the report had been made accessible and distributed to the Member States. Further, Switzerland welcomed the recent decisions, taken during the 25th session of the PBC and the 72nd session of the Coordination Committee, regarding the revision of the Internal Oversight Charter, the revision of the procurement policy, and also the revisions of the whistleblowers policy at WIPO. Switzerland fully supported this process of review and remained convinced that these adjustments and changes would strengthen and heighten the governance of the Organization. These measures, which take into account the conclusions of the OIOS report and those of the Chairs of the General Assembly and Coordination Committee, should make it possible for Members to turn their gaze to the future. The Delegation recalled that WIPO and its Member States have responsibilities of great importance concerning compliance with the mandate of the Organization, and must not focus their efforts on events of the past, for which concrete measures have been adopted. The Delegation also wished take the opportunity to state its position, once and for all, on the criticism that had been addressed in the OIOS report regarding the DNA case, namely, on the lack of cooperation of the Swiss authorities. The Delegation acknowledged that, in one case, there had been a problem of communication. Owing to a simple omission, the reply to a request of OIOS, was not received by OIOS. The Government of Switzerland recognized this error before the OIOS, and took remedial action in early September. The Delegation continued that in 2015, the OIOS called upon Switzerland to set up a meeting with the public prosecutor of Geneva, and the public prosecutor indicated that he would stick to the position that he expressed in 2014 to the Director of the IOD. At that time, he had pointed out that a third-party, who was not a party to the procedure, could not have access because Swiss legislation simply does not allow this. The Delegation emphasized that, in no case whatsoever, did the Swiss authorities seek to stand in the way of the OIOS obtaining information. The Delegation stated that, given the principle of the separation of powers, it was not up to the government, to take a position regarding a criminal case, or to instruct the judicial authority how to act. If members of WIPO's staff thought that they were adversely affected by the taking of DNA samples without their knowledge, then it was up to them to exercise their rights through the public prosecutor.

142. The Chair suspended discussion of Agenda Item 28, in order to provide more time to the Delegation of Germany to continue its consultations with regard to its proposal on this matter.

143. At the resumption of discussion on Agenda Item 28, the Chair recalled that the Delegation of Germany had conducted a consultation, and asked for an update on the result of the consultation.

144. The Delegation of Germany reported that there had been a very fruitful conversation, and that it seemed that the question was solved. The word "reaffirm", which appeared in the first sentence, was explained again, and delegations came to the understanding that "reaffirm" means no change of the decision of the 72nd Coordination Committee. It was the intention only to make the decision of the 72nd Coordination Committee clearer and more in line with the procedures in WIPO. It was proposed that the word "reaffirm" stay in the text.

145. The Delegation of China noted that after the very constructive dialogue with the Delegation of Germany and other parties, it could withdraw its comment regarding the proposal. The Delegation understood that the word “reaffirm” means that the decision of the Committee is accepted by all the Member States here.

146. The Delegation of India wished to seek a small clarification, and asked the Legal Counsel to explain the legal interpretation of the word “reaffirm”, going by the chapeau of the proposed text. The concern of the Delegation was that the Committee needed to close the investigation. The Delegation, therefore, asked if the phrase including the word “reaffirm”, when the chapeau was read in totality with all the five points, would cover this concern?

147. The Legal Counsel suggested that further clarification from the delegation responsible for drafting this chapeau might be most useful in explaining the actual intent and the meaning of the word “reaffirm” as it was meant there, and as had apparently been discussed in informal consultations since. The Legal Counsel was not entirely clear on the concern of the Delegation of India, and on the points that the Delegation wanted to have reflected, and offered to elaborate further after receiving clarification.

148. The Delegation of India explained that before the adjournment of the session and the conduct of informal consultations, the Delegation had supported the proposal put forward by China, that the closure of the investigation should be made explicit in the text. China had then withdrawn that proposal. The Delegation needed clarity from the Delegation of China and requested two minutes to quickly consult in order to finish this agenda item.

149. The Chair noted that this was the only item that was still pending, and adjourned the meeting for five minutes until 5.00 p.m.

150. On resumption of the meeting, the Delegation of India asked the Legal Counsel to clarify, for the record of the meeting, whether reaffirming the decision of the 72nd extraordinary session would also mean that the decision taken by the former Chairs of Coordination Committee and of the General Assembly were final. He emphasized that this was the basic element of the decision. The Delegation wished to have the Legal Counsel’s response on the record of the meeting so that it could more easily be referred to, and so that there would be no ambiguity.

151. The Legal Counsel explained that on September 12, 2016, the extraordinary session of the Coordination Committee had taken note of the report, and also of the decisions and recommendation of the Chairs of the Coordination Committee and the General Assembly. The decisions of the Chairs were to close the investigations with no further action. The decisions were facts that could not be undone. The 72nd extraordinary session of the Coordination Committee took note of it. The Legal Counsel clarified that, at this time, it was proposed to reaffirm that decision, indeed closing the investigations.

152. The Delegation of India wished to state that the Legal Counsel had now provided clarity, and that this was now on the record. In view of this clarity, the Delegation could support the emerging consensus on this proposal.

153. The Delegation of Belarus recalled that before the break, it had stated that paragraph 5 raised doubts, as it did not understand the phrase, “consider taking any necessary follow-up actions”. The Delegation noted that there was no list of these necessary follow-up actions, and asked whether the proponent of the proposal, or perhaps the Legal Counsel, could explain what these would include, apart from amendment of the staff rules?

154. The Delegation of Germany wanted to try to shed some light on this question. The Delegation recalled that in its first proposal, there were two paragraphs (A and B), which took into account the recent developments on the IAOC and the proposal made by the IAOC concerning the preferred channel of reporting, and which were intended to serve more as a reminder. It was something that could be done in the General Assembly. It was just the request

of the advisory body of the Member States to have a preferred channel for reporting alleged wrongdoing. The Delegation further explained, as background to this paragraph, that there was no rule in place at the moment. So it would not be sure that if a staff member wanted to report on alleged wrongdoing, and it was not done to the IOD because it was done through the supervisor, that the IOD would get this information. The Delegation, therefore, wanted to take into account the proposal made by the IAOC in document WO/GA/48/16 and its paragraphs 6 or 19. The 'A' was something that the Delegation wanted to take into account because the Delegation knew that the Internal Oversight Charter was being reviewed at the moment and, in the proposal which was already in the same document (WO/GA/48/16), there is a link to certain measures which would imply amendments or modification of the staff rules. This was the Delegation's first attempt to ensure it was not forgotten that after achieving a wonderfully revised Internal Oversight Charter, there would not be a stop but other steps that would be taken into account. The Delegation reported that in the course of discussions with other interested Member States, it was suggested that the language be changed to take into account that this process had not yet ended. But the intention was to, somehow, make a statement of the Coordination Committee that it supported these changes if they were required, or that whatever that would ultimately be required by the revision of the Internal Oversight Charter was taken into account, and supported, by the Committee's Member States. The Delegation hoped that this provided a little clarity to the questions raised.

155. The Delegation of Belarus thanked the Delegation of Germany for the explanation. The Delegation believed, however, that the vague wording would give rise to varying interpretations of this phrase, not just with regard to the revision of procedural documents, but also in relation to the review of other actions. The Delegation, therefore, called for more work on this wording, because it did not like it very much.

156. The Chair thought that the Committee was very close to an agreement. The Chair gave the Delegation of Germany five more minutes to conclude its consultations, and appealed to all Member States to make great efforts to reach agreement, because this very sensitive issue needed to be concluded. The Chair noted that he very clearly saw a trend in the room in a certain direction, and reiterated his request for all Members to help to conclude the discussion as soon as possible.

157. The Delegation of Singapore wished to make a few observations. First, the Delegation asked whether paragraph 5 was not a subject matter that had already been dealt with under the work of the PBC, specifically under Agenda Item 9 regarding audit and oversight matters? Was that paragraph really needed here? Two, referring back to the chapeau of the proposal and the word "reaffirm", the Delegation noted that the proposed decision reaffirms the decisions that had been taken during the extraordinary session. However, the Delegation had noticed many new elements in this proposal, as compared with the actual decisions taken during the 72nd extraordinary session. The Delegation made these observations, which it believed had been conveyed to the Delegation of Germany, but which it thought had not been adequately taken on board.

158. The Delegation of Germany said it was very sorry if, during the conversation or during the lunch break, the concerns of the Delegation of Singapore had not been taken into account because, according to the Delegation's recollection, everybody was in the room until the end, and the Delegation had asked more than once if there were further questions. So the Delegation was very sorry if some concerns had not been met. The Delegation believed that the chapeau, that the 73rd Coordination Committee reaffirms the decision, was a proposal made by the Delegation of Singapore in the meeting, because the Coordination Committee could only reaffirm what the Coordination Committee did. Further, the Delegation reiterated that the fifth paragraph only sought to take into account, or give political support to, future work, to the process of lessons learned.

159. The Chair added to the clarification that the chapeau of the proposal was in two parts. The first referred to the decisions that had already been adopted at the 72nd extraordinary session of the Committee, and the second part set out five new elements which had not been part of this previous decision. The Chair asked whether this was correct.

160. The Delegation of Germany explained that the elements contained in its proposal were basically the same as those in the decision taken at the 72nd extraordinary session of the Committee, but they were, from an organizational point of view, in a different kind of order. For example, the Delegation recalled that the 72nd Committee had requested that the IAOC revise the procurement rules, but the Committee had subsequently learned from the IAOC that it could not do this revision itself, but the IAOC needed the Secretariat to do the revision before it could conduct the review. The proposed paragraph, therefore, took into account what the Committee had learned in this process, and was nothing new. The Delegation continued that the reference to welcoming the ethical framework was, as had been described in introducing the text, a statement that the ongoing process of strengthening WIPO's rules and procedures was welcome. It was, therefore, of a declaratory character. The Delegation further pointed out that the element of whistleblower protection was already in the decision of the 72nd Committee, but that the review of the proposed revision by the IAOC, which was so much involved in the whole process, had been added. The Delegation was of the opinion that the IAOC had the best overview, and was indeed an advisory body for the Member States, and the Delegation preferred that the IAOC give advice on the whistleblower protection policy. Finally, the Delegation stated that paragraph five could be deleted if Members continued to have problems with it. The Delegation had absolutely no problem with the deletion if it were causing trouble, as it was only intended to give the Committee's support for all the work done concerning the Internal Oversight Charter, to the General Assembly. The Delegation noted that the paragraph had not caused any trouble during the conversations had in the lunch break, which had been very constructive and fruitful.

161. The Chair thought that those additional explanations had clarified things even further, and asked whether the Committee was prepared to take a decision.

162. The Delegation of Singapore asked whether it had understood correctly that paragraph 5 would be deleted based on the intervention by the Delegation of Germany, and indicated that it would welcome the deletion.

163. The Chair had understood that the proponent, the Delegation of Germany, would not object to the elimination of paragraph 5 from its proposal, if doing so would make it easier to adopt the document. The Chair thought that this would also help the Delegation of Belarus. As the Delegation of Germany indicated that it agreed to the deletion, the Chair thanked the delegation.

164. The Delegation of the United States of America suggested that, *in lieu* of the term "follow-up actions", the language "to ensure institutional consistency" could be used, and wondered whether that might address the concern of the Delegation of Singapore.

165. The Chair stated that the inclusion of new language would be relevant if paragraph 5 were still under discussion, but recalled that, before opening the floor, before giving the Delegation of the United States of America the floor, the Chair had noted that paragraph 5 had already been withdrawn by the proponent, the Delegation of Germany. The Chair, therefore, asked the Delegation of the United States of America to drop that proposal, and thought that the deletion of paragraph 5 was the best way to put an end to the discussion.

166. The Delegation of Belarus stated that the Delegation of Australia had also proposed further wording, though it did not know what final decision had been taken on that. The proposal had been to delete any necessary follow-up actions, so the text would read, "take into account the outcome of the ongoing review of the IOC and consider amending the WIPO staff

rules and regulations as required.” The Delegation thought that this would make it easier to understand what actions were being contemplated.

167. The Chair observed that this was a tricky state of the discussion, and requested Member States to all be very careful. The Chair recalled that he had already said twice, before giving the floor to the Delegation of Belarus, that paragraph 5 had been withdrawn, since the Delegation of Germany agreed that its proposal for paragraph 5 be withdrawn. So there was no further reason to discuss paragraph 5. The Chair thought that this would dispel any doubts that the Delegations of Singapore and Belarus had in regard to paragraph five. Further, the Chair noted that this matter was being discussed under Agenda Item 9, and requested that Members not go back to paragraph 5 because the delegation proposing it had agreed to its withdrawal.

168. The Delegation of the United States of America did not object to the withdrawal of paragraph 5 and, in fact, was strongly supportive of the statement overall. The Delegation wished, however, to take the opportunity to note that it shared many of the concerns that had been expressed by the Delegations of Fiji and Pakistan earlier that day, and that it had serious misgivings about the events of the past year and the process that brought the Organization to this point. The Delegation recognized that most Member States viewed the decisions of the Chairs as dispositive, that the investigation was closed and there would be no disciplinary action in response to the matters that the Coordination Committee had been considering. Consequently, the Delegation availed itself of the opportunity to stress the ongoing duties of UN agencies to fully implement whistleblower protections, and stated that it fully expected WIPO’s highest officials to ensure the protection of witnesses and whistleblowers.

169. The Chair stated that all the statements that have been made during the discussion of Agenda Item 28 would be duly recorded, and that note had been taken of all of them. The Chair thought that this was one of the first conclusions reached—that the Committee would take due note of all the statements made on this matter. Having said that, the Chair thought that the Coordination Committee was then in a position to take a decision on the German proposal in its latest version—in other words, on the text that had been distributed and from which paragraph 5 had been deleted. The Chair announced that the Committee would take a decision on the following decision paragraph: “The Coordination Committee of WIPO took note of the report of the outgoing Chair of the Coordination Committee and the statements made by the delegations that participated in the discussion. Additionally, the Coordination Committee approved the following proposal, followed by the text that was circulated by the delegation of Germany, with the exception of paragraph five.”

170. The 73rd (47th Ordinary) session of the WIPO Coordination Committee reaffirmed the decision of the 72nd (26th Extraordinary) session of the WIPO Coordination Committee and recommended to the WIPO General Assembly to:

- (1) welcome the audit of the “Ethical Framework”, currently being conducted by the Internal Oversight Division (IOD);
- (2) request the Secretariat to review the Whistleblower Protection Policy, taking into account lessons learned, recent developments in this area, and best practices from other organizations, and request the Independent Advisory Oversight Committee (IAOC) to review and comment on the proposed revision;
- (3) request the Chief Ethics Officer to also include, in the annual report, information on any active cases of retaliation against witnesses who cooperate with an investigation of a report of wrongdoing, consistent with applicable WIPO procedures; and
- (4) request the Director, IOD to review the WIPO’s Procurement Policies and Procedures after the review currently being undertaken by the Director General, as

recommended by the General Assembly and the Coordination Committee Chairs, to ensure clarity and transparency in WIPO's procurement process, so that the conclusions and/or recommendations will be submitted to the Program and Budget Committee (PBC) for consideration by Member States.

[Annexes follow]

**STATEMENT BY THE PRESIDENT OF THE WIPO STAFF ASSOCIATION
TO THE MEMBERS OF THE WIPO COORDINATION COMMITTEE**

(October 13, 2016)

Mr Chair, Excellencies, Distinguished Delegates,

The WIPO Staff Council is a serious, hardworking group of duly elected staff representatives who are committed to working with WIPO Administration in a dialogue that is transparent, meaningful and based on good faith, in the best mutual interests of the staff and WIPO. Sadly, we have not been able to do this over the last year. Despite our substantial efforts to engage with WIPO Administration, the vast majority of the Staff Council's comments have been ignored and the Staff Council has been placed under intense pressure. Indeed, the only reason the Council continues to exist is because it believes that things can and must get better and that it has a responsibility to defend staff and speak out against injustice and wrongdoing.

The only trade union that can effectively contribute towards the well-being of an Organization and its staff is an independent body that people can choose to join or not, in keeping with Article 20 (a) and (b) of the Universal Declaration of Human Rights. Trade Unions provide checks and balances to management excess and are fundamentally important to democracy. As things now stand, too much power at WIPO is concentrated in the Executive Head, who acts as prosecutor and judge in all staff matters. The Staff Council, in conjunction with external entities and Member States, has a vital role to play in attempting to correct this imbalance. As Congressman Brad Sherman said at the US Congressional Hearing on Establishing Accountability at the World Intellectual Property Organization, on 24th February 2016: "If there is one international organization that needs a staff union, it is WIPO".

The Staff Council is extremely grateful for the precious support that it has received and continues to receive from its membership and WIPO member states. However, the duly elected WIPO Staff Council doesn't just speak up for its members, it defends all staff, irrespective of their status and category, out of solidarity and in keeping with its mandate.

Unfortunately, in our view, the overall atmosphere at WIPO continues to be one of pervasive fear and distrust, as staff morale has dropped to yet another all-time low. Many staff members feel intimidated and threatened and are suffering from depression and anxiety, as a result of suspension, investigation or institutionalized harassment. This is a matter which should be investigated by an independent, external commission. The performance evaluation system (PMSDS) at WIPO is perceived by many as a tool that is used to get rid of staff members, as opposed to improving their performance. Long-serving staff members who have given exemplary service to the Organization suddenly find themselves with negative performance evaluations from their managers without any prior warning. This stokes widespread fears that WIPO Administration simply wishes to terminate them and replace them with temporary agency workers, whose real-term economic value to the Organization has yet to be evaluated. Other staff members find themselves stalled at the final step of their pay grade, unable to develop a real career path. General Service and Professional posts are systematically downgraded while the Organization has created a record number of Director posts. All of this comes at a time when many staff members are being deprived of their acquired rights and benefits in arbitrary acts by HRMD. Indeed, WIPO Administration seems to pick and mix at its own convenience, particularly when it comes to the benefits and entitlements of French staff residing but not serving in their home country. Contrary to the spirit and practice of the United Nations, many WIPO staff members are now obliged to pay for their own language classes. At a time when WIPO continues to host a large number of lavish receptions, and the Organization has posted a

profit of 70 million Swiss francs for the last biennium, this comes across as petty and unfair, not to mention short-sighted. It is an example of poor governance. The Organization is also dragging its feet on implementing the recommendations of the UN General Assembly regarding an increase in the age of mandatory age of separation, despite the obvious advantages that this would bring to staff. Staff members are being terminated for illness, which is often service-induced but not recognized through a lack of transparency, and forced against their will into disability. This cannot be explained with the “change management” euphemism: it is simply imposition of a harsh anti-staff policy. Such treatment of staff with service-incurred illnesses or injuries is nothing less than barbaric in the 21st century.

The HRMD report for 2016 presents a whitewashed, unrealistic picture of events at WIPO. No amount of spin can cover up what is happening. The International Federation of Civil Servant Associations (FICSA) recently stated that “ staff-management relations have deteriorated further as the WIPO Director General continues to push forward with his intended elections of a ‘new Staff Council’ even though members of the WIPO Staff Association recently re-elected their representatives to serve on the Staff Council.” FICSA also went on to say that the Director General’s « new interpretation » of the relevant staff regulation allowing non-members to vote at Staff Council elections is « in total contradiction with the Organization’s interpretation, which has been in place since the conception of the Staff Association. »

We stand before you today as the only legitimate, duly elected WIPO Staff Council, convinced that this unprecedented intervention by the Executive Head of the Organization is a violation of freedom of assembly and free speech, and an illegal interference in matters of staff representation. It is designed to create a compliant, management-friendly « house union » that is unwilling to raise its voice. The Staff Council has thus filed an official complaint with the WIPO Appeal Board and is prepared to take the matter to the Administrative Tribunal of the International Labour Organization (ILOAT) if necessary. The attacks directed at the Staff Council have nothing to do with democracy or diversity; they can be seen as a carefully orchestrated attempt by less than 6 per cent of the workforce, acting under strict instructions from WIPO Administration, to hijack staff representation. Contrary to the claims of the whitewashed HRMD report, staff are not at the front, left, right and center in organizing these new elections; the staff at large are confused, intimidated and disinterested.

Change must come from within, it should not be imposed from the outside. Those wishing to remain outside the traditional WIPO Staff Association have made their choice and the Council respects that, but they still have ample opportunity to stand for bodies such as the WIPO Pension Board, Joint Advisory Group and WIPO Appeal Board, should they so desire. Some of them already serve on various working groups that have specifically called for staff volunteers. To demand voting rights in elections of the WIPO Staff Council without being a member of the association is to do a deep disservice to fellow staff members who pay their dues, out of solidarity, and support the financial and political independence of their Association.

The situation within WIPO is so alarming that the WIPO Staff Council has felt it necessary to contact several UN special rapporteurs for human rights and requested a human rights audit at WIPO. In this effort, the WIPO Staff Council has the support of staff associations from across the entire UN system. A recently issued Labourstart petition entitled “ Stop union-busting and stop retaliation against whistleblowers at WIPO “ has already obtained more than 5,500 signatures. As the petition concludes, the credibility of the entire UN system is at stake.

Another subject of great concern to WIPO Staff – the elephant in the room – is the OIOS investigation report into accusations of alleged wrongdoing by the Executive Head of the Organization. The WIPO Staff Council takes the theft of staff DNA and violations of Staff Rules and Regulations very seriously. Clearly, an Executive Head must lead by example, not by force, and that there must be equal justice under law. We are concerned by the fact that the « subject » of an investigation can be presented with a full copy of the unredacted investigation

report without being charged with misconduct, as per article 167 of the WIPO Investigation Procedures Manual. We are also concerned that such an act not only violates the confidentiality of whistleblowers and witnesses, but it exposes them to acts of retaliation.

We are also concerned by the role played by the Internal Oversight Division, Ethics Office and the Office of the Legal Council, who report directly to the Executive Head of the Organization, in the processing of this report and in the handling of allegations against the Executive Head of misconduct and retaliation. Similarly, it is shocking that the subject of the investigation was recently allowed to remain in the room at an exceptional meeting of the Coordination Committee to discuss the OIOS investigation report into his own conduct. We are further concerned that an excessively redacted version of the report was sent out recently to WIPO Member States without the 950 pages of annexes, evidence and testimonies. The Staff Council has tried on numerous occasions to contact both the erstwhile Chairs of the General Assembly and the Coordination Committee to arrange an information briefing for all WIPO staff members on this subject, and to meet with them. All to no avail. The DNA case raises more questions than answers. The Staff Council is particularly concerned by the chain of command involving the DNA samples stolen from staff. Crimes were apparently committed and the host country knows who is involved, We look, therefore, to the host country to cooperate, provide answers to these questions and thus elucidate the DNA case, as requested by the two staff Federations, FICSA and CISSUA, which together represent some 120,000 staff members across the UN system. The Staff Council is also concerned by the apparent inaction against proven misconduct concerning the procurement case. The Staff Council is extremely worried by potential influence peddling, which like DNA theft and misprocurement, is a criminal offence.

Ladies and Gentlemen, justice delayed is justice denied. Moncef Kateb, former President of the WIPO Staff Council and whistleblower, has still not obtained justice more than two years after his summary dismissal in September 2014. We understand that the WIPO Appeal Board recently found his dismissal unlawful but that the Director General refused to accept its recommendations. Moncef Kateb now faces another two to three years wait at the Administrative Tribunal of the International Labour Organization. Five years to obtain justice is unacceptable by any standards. It is for this reason that that the WIPO Staff Council urges immediate reform of the WIPO internal justice system, which is simply not working, and an independent reporting status for the Internal Oversight Division, the Office of the Ombudsman and the WIPO Ethics Office. It also requests that whistleblowers, « canaries in the coalmine » according to US Congress representatives, be protected and reinstated, for they protect us all.

The Staff Council also understands that there are a number of allegations pending at IOD or IAOC relating to the behavior of the Executive Head of the Organization on the one hand, and a dysfunction of the internal justice system on the other. As a result, it calls for an independent external commission to evaluate and investigate said allegations in full transparency and free from any interference.

In the midst of all of this turmoil, the WIPO Staff Council would like to salute the staff at WIPO for remaining calm, hardworking and professional, much to the benefit of the Organization. By raising such concerns before you today so that they can be addressed in a proper manner, the WIPO Staff Council hereby reiterates its commitment and loyalty to the Organization. The staff at WIPO, like the Council that represents them, are not extremists. We are responsible international civil servants, nationals of your countries, and simple human beings who do their very best to do an excellent job for the Organization.

Dear Member States, let us work together, for the benefit of all stakeholders, to find a win-win solution, not further an imbalance and a travesty of justice.

Thank you.

[Annex II follows]

**ADMINISTRATION'S COMMENTS TO THE
STATEMENT BY THE PRESIDENT OF THE WIPO STAFF ASSOCIATION
TO THE MEMBERS OF THE WIPO COORDINATION COMMITTEE¹**

The Director General wished to make a couple of observations, especially on the matter of the elections of a new Staff Council, which he had already clarified last year. He emphasized that this process was not initiated, managed or controlled by him, and stated that a group of some 70 staff members had challenged the interpretation and implementation of the Staff Regulation on the Staff Council by lodging a petition with the Joint Advisory Group (JAG) to review the interpretation. The JAG was comprised of three persons designated by the Director General, three members elected by staff, and the Secretary from HRMD. The JAG had concluded that the correct interpretation of that Regulation was that the Staff Council should be elected by all staff, whether a paying member of the Staff Association or not. He also mentioned that the practice at WIPO up to now had been that only paying members of the Staff Association, which represented some 400 to 500 out of 1250 staff, could vote in the election of the Staff Council. The Director General added that the conclusion of the JAG had been sent to the Office of the Legal Counsel for its independent view on the issue and that the latter had confirmed the JAG's conclusion. The process for the implementation of that opinion given by the JAG was being managed by staff members themselves, not by the management. These staff members had set out, in accordance with that decision, a process for the election of a new Staff Council with all members of the staff being able to participate in the vote, in an election that would take place sometime in December of this year. The Director General reiterated that this was not a development that was welcomed by the current Staff Council and certainly not a development that was in any way initiated by the management of the Organization. It was a development that was initiated by staff members themselves. The Director General also wished to comment on the issue concerning staff morale and stated that the available statistics should be referred to as objective indicators on this issue. He mentioned that these statistics were very much favorable in the course of the last reporting period and indicated, as an example, the decrease of over 1,000 days in the number of absences (sick leave with and without certificate and family-related emergencies). Upon the Director General's request, the Secretariat also clarified that the number of cases filed by staff members through the internal justice system had diminished significantly. On the other issues raised by the Staff Council in its statement, the Director General mentioned that they would require some time to analyze and comment on. He assured the Committee that he had taken due note of the Staff Council's intervention and that the Administration would renew its efforts to bring the Staff Council back to the table for consultations.

[End of Annex II and of document]

¹ The statement of the President of the Staff Association is reproduced as Annex I to this document.