

WIPO



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WIPO GENERAL ASSEMBLY

Twenty-Third (10th Extraordinary) Session Geneva, September 7 to 15, 1998

POLICIES AND PRACTICES FOR THE NOMINATION AND APPOINTMENT OF DIRECTORS GENERAL

Memorandum of the Secretariat

1. In its ordinary session of September-October 1997, the WIPO General Assembly adopted a resolution requesting the Coordination Committee to make recommendations to the General Assembly at its session in September 1998 on policies and practices for the nomination and appointment of Directors General of WIPO, and for this purpose invited the Coordination Committee to establish a Working Group (see document WO/GA/XXI/13, paragraph 236).
2. In response to the invitation in the resolution mentioned in the preceding paragraph, the WIPO Coordination Committee, in its extraordinary session of March 25 to 27, 1998, established a Working Group on Policies and Practices for the Nomination and Appointment of Directors General ("the Working Group") and agreed on the terms of reference, composition and practical arrangements for the Working Group (see document WO/CC/40/1).
3. The Working Group held its first session at the Headquarters of WIPO from May 6 to 8, 1998 and its second and final session on July 2 and 3, 1998. The working documents (WO/CC/WG-DG/2, WO/CC/WG-DG/3 and WO/CC/WG-DG/2/2) and reports (WO/CC/WG-DG/4 and WO/CC/WG-DG/2/3) provide the relevant background information and a summary of the discussions.

4. At its second session, the Working Group adopted agreed texts of a Policy on Mandates of Directors General of WIPO and Procedures for the Nomination and Appointment of Directors General of WIPO (see document WO/CC/WG-DG/2/3). The agreed texts were submitted to the Coordination Committee for consideration at its forty-second (29th ordinary) session (see document WO/CC/42/1).

5. At its forty-second (29th ordinary) session on September 9, 1998, the WIPO Coordination Committee adopted, with consequential editorial modifications, the agreed texts submitted to it by the Working Group. The texts so adopted are as follows:

“POLICY ON MANDATES OF DIRECTORS GENERAL OF WIPO

“1. The Coordination Committee recommends that WIPO adopt a policy fixing a limitation to the number of mandates that a Director General may serve.

“2. The Coordination Committee recommends that the policy should limit the number of mandates to two fixed terms of six years each.

“3. The Coordination Committee recommends an amendment to the WIPO Convention to reflect the policy set out in the previous paragraphs.

“4. Many delegations present considered that, pending the entry into force of the amendment of the WIPO Convention, this policy should be adopted by the WIPO General Assembly on a provisional basis. Other delegations were not in a position to express a view on the provisional adoption of such a policy. Still others did not consider it to be necessary. All delegations agreed to continue consultations in order to resolve this issue. The Coordination Committee decided therefore to refer the decision on the adoption of the policy to the WIPO General Assembly.”

“PROCEDURES FOR THE NOMINATION AND APPOINTMENT OF DIRECTORS
GENERAL OF WIPO

“Procedures for the Announcement of an Impending Vacancy and for the Submission of Candidatures

“1. At least six months before the meeting of the Coordination Committee which is to be convened for nominating a candidate for appointment to the post of Director General, the Chair of the Coordination Committee shall send a circular to all Member States of WIPO, inviting them to propose a national as candidate for the post of Director General of WIPO.

“2. The candidature submitted by a Member State shall be accompanied by the curriculum vitae of the candidate.

“3. The exact time (Geneva) and date of the deadline for submission of candidatures shall be specified in the circular sent by the Chair of the Coordination Committee inviting candidatures. That date shall be three months after the date of the circular.

“4. The Chair of the Coordination Committee, with the collaboration of the International Bureau, shall communicate the various nominations to all the Member States immediately on receiving them. Immediately following the deadline for the submission of candidatures, the Chair shall communicate to the Member States, in one consolidated communication, all nominations received.

“5. The Coordination Committee shall be convened in order to nominate a candidate for the post of Director General, no earlier than six months and no later than five months before the meeting of the WIPO General Assembly which is to appoint the Director General upon nomination by the Coordination Committee.

“6. The decision of the Coordination Committee shall be notified to all the Member States by the Chairman of the Committee immediately after the decision had been made.

“Procedures for Nomination by the Coordination Committee of a Candidate to the Post of Director General

“I. General principles

“1. The selection of a candidate for Director General shall be guided by respect for the dignity of the candidates, as well as the countries nominating them, and transparency of the nomination process.

“2. The nomination of a candidate for Director General should, if possible, be made by consensus. This will facilitate the appointment of the Director General by the General Assembly. However, it is recognized that voting will probably be a necessary means of building consensus for the nomination of a candidate.

“3. Efforts to nominate a candidate via consultations leading to consensus are welcome at any stage of the selection process, but such efforts should not unduly delay the decision-making process.

“II. Right to vote

“It is established that, for the purposes of the nomination of a candidate for Director General by the Coordination Committee, all the members of the Coordination Committee, with the exception of associate members, may exercise their vote.

“III. Decision-making process

“1. Where there are more than three candidates, before any formal vote is taken, an indication of the relative support enjoyed by candidates may be assessed by means of a “straw poll.” The “straw-poll” will be conducted in such a way that each member of the Coordination Committee which has a right to vote will mark its first and second choice on the list of candidates on his voting paper. Voting will be by Secret Ballot. Where there are three or less candidates, the procedures in this paragraph and the next paragraph shall be omitted.

“2. Formal voting by Secret Ballot will proceed in several steps, each time with adequate advance notice, with a view to the gradual reduction of the number of candidates to a short-list of three candidates. Following each vote, the candidate receiving the least number of votes will be ineligible to participate in the next vote. If, however, the number of candidates is large, in order to limit the frequency of votes, the two or three candidates receiving the least number of votes may be declared to be ineligible to participate in the next vote. The exact dimension of each step will be decided, after consultation, by the Chair in the light of the number of candidates remaining at any given time. These steps will be carried out in keeping with the spirit of the following illustrative example based on a notional field of ten candidates: after the first formal vote amongst all the ten candidates, participation in additional votes shall be restricted to the seven candidates having obtained the greatest number of votes. After the second formal vote, participation in additional votes shall be restricted to the five candidates having obtained the greatest number of votes. After the third formal vote, a short-list will be established of the three candidates having obtained the greatest number of votes.

“3. If consultations on the basis of the short-list of three candidates are not progressing, the voting process will be continued. Following the vote on the candidates of the short-list, a final vote will be restricted to the two candidates having obtained the greatest number of votes. The Coordination Committee will then, no later than the final day of its meeting, take its final decision amongst two candidates in a vote.

“4. The Chairman of the Coordination Committee will communicate the name of the candidate for appointment to the post of Director General to the Chairman of the General Assembly.

“Appointment of Director General

“The WIPO General Assembly which is to appoint the Director General upon nomination by the Coordination Committee shall be convened to meet not earlier than three months and not later than one month before the expiration of the term of the outgoing Director General.”

6. The General Assembly is invited to act upon the recommendations of the WIPO Coordination Committee contained in the first three paragraphs of the Policy on Mandates of

Directors General of WIPO set out in paragraph 5, above, by

(i) adopting a policy fixing a limitation to the number of mandates that a Director General may serve;

(ii) deciding that that policy should limit the number of mandates to two fixed terms of six years each;

(iii) deciding when and how the process for amending the Convention Establishing the World Intellectual Property Organization (the WIPO Convention) to reflect the policy should be initiated.

7. The General Assembly is also invited to decide whether, pending the entry into force of the amendment to the WIPO Convention, the policy mentioned in the preceding paragraph should be adopted on a provisional basis.

8. The General Assembly is further invited to adopt the Procedures for the Nomination and Appointment of Directors General of WIPO set out in paragraph 5, above.

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