

Program and Budget Committee

Twenty-First Session
Geneva, September 9 to 13, 2013

PROPOSAL BY THE AFRICAN GROUP
AGENDA ITEM 8: GOVERNANCE AT WIPO

1. The Republic of Algeria, on behalf of the African Group, has submitted a proposal on agenda item 8 (Governance at WIPO), with the request that this proposal be circulated as an official document to the twenty-first session of the Program and Budget Committee (PBC).

[The proposal by the African Group
follows]

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Background

1. The 16th PBC requested the Secretariat, to prepare a document, with Member States' input, by April 2011, for consideration by the Program and Budget Committee at its session in June 2011. This document was to include:
 - (a) update, based on Appendix I of document WO/GA/38/2, on the governance structures of the United Nations and other intergovernmental organizations;
 - (b) input from Member States, addressing their views on WIPO's governance; and
 - (c) a review of prior documentation on governance at WIPO.
2. The Secretariat prepared the document, as WO/PBC/17/2.Rev. The document presented a factual description of the WIPO governance structure, with a brief description of the main organs. The document also included in annex an updated version of the governance structures of the United Nations and other intergovernmental organizations. In an Annex it included the views received from WIPO Member States on WIPO's governance up to 2011. The Member States that submitted comments are African Group, Australia, China, Development Agenda Group (DAG), France, Germany, Japan, Monaco, Republic of Korea, United Kingdom, United States of America.
3. The 17th session of the PBC discussed the document prepared by the Secretariat on WIPO Governance Structure, document WO/PBC/17/2.Rev. The discussions at the 17th PBC remained inconclusive on this matter and it was decided that the Chairpersons of the Coordination Committee (COCO) and the PBC would produce a chairperson's paper incorporating the comments made by Member States, which will be presented at the 18th session of the PBC.
4. The Chairpersons of the COCO and the PBC presented their report in the document WO/PBC/18/20. It points out that all the Member States considered as a possible option the redesign and efficiency improvements of the existing PBC and COCO, as means to fill the gaps of the existing governance structure, while avoiding having to amend the WIPO Convention. It also reviewed the existing WIPO governance structures of COCO and PBC and previous attempts at constitutional reform.
5. The 18th Session of the PBC in September 2011 requested the IAOC to review the issue of WIPO governance in light of relevant documents and proposals submitted by Member States, with a view to presenting a report with its recommendations to Member States as quickly as possible. The PBC also requested the Chair of the General Assembly to convene informal consultations on the produced IAOC report on WIPO governance with a view to presenting specific recommendations to the 19th session of the PBC.
6. Document WO/PBC/19/26 includes the report of the IAOC and the results of the informal consultations of the Chair of the General Assembly. The Chair of the GA invited Member States of the PBC to "to explore the ways and means to promote performances, efficiency and coordination of the WIPO governing structures". The IAOC was of the view that "any recommendation for an additional governing body be made only on the basis of a detailed study involving sensitive issues relating to the diplomatic and intergovernmental aspects of the higher level governance of WIPO. This detailed study will require the contracting of additional specific subject matter expertise. The Committee therefore recommends that Member States also consider the desirability of the expense that this would entail."

7. For the 19th PBC, the IAOC proposed revisions to the Annexes of the WIPO Financial Regulations and Rules relating to the IAOC, the External Auditor and the Internal Oversight Charter.

8. The PBC in its 19th session did not decide on a way forward but decided that the issue of WIPO governance would be an agenda item for the 20th session of the PBC. In the 20th PBC session, Member States discussed developing a list of what are the things in the governance of WIPO they consider need to change, focusing on concerns rather than on issues. It was also suggested to break up the issue of WIPO governance into various categories of issues, to help organize the discussions. There was no agreement on the language for the decision, and thus the PBC decided to keep the issue of WIPO governance on the agenda of its 21st session.

Important Proposals Presented by Member States on Improving WIPO Governance

9. Document WO/PBC/17/2.Rev contained Member States' Proposals and comments on improving WIPO Governance. These proposals are yet to be substantively discussed in the PBC. Without prejudice to these proposals and comments, the following concrete ideas/proposals are extracted from Member States' submissions on improving WIPO Governance. They are presented with a view to kick start and advance the discussions and Member States' consideration of improving WIPO Governance:

- (1) Improving the work of the Program and Budget Committee
 - PBC to meet regularly twice a year for five days per each session.
 - PBC should review regularly issues related to human resources.
 - Working documents to be translated in 6 languages and posted on website two months prior to meetings in order to allow delegations to analyze and consult on them.
- (2) Improving the work of the Coordination Committee
 - COCO now meets irregularly once a year on the margin of the General Assembly. COCO could be empowered with executive functions, and meet more regularly.
 - Clearly divide responsibilities btw PBC and CC.
 - Only the COCO has mandate to set/amend/change agenda for the GA.
 - Working documents to be translated in 6 languages and posted on website two months prior to meetings in order to allow delegations to analyze and consult on them.
- (3) Improving interaction between Member States and the Independent Advisory Oversight Committee (IAOC)
 - Establish a smaller PBC Working Group on ad hoc basis to consider IAOC/JIU recommendations and recommend to PBC.
 - Quarterly meetings of the IAOC to include a slot for regional chairs and interested delegations.
 - Quarterly reports of the IAOC to include comments / interventions of regional chairs and other delegations.

- Quarterly meeting Reports to be widely circulated after the meetings and included in the PBC documents, including on-line.
 - IAOC to continue to produce a summary annual report to the PBC, recording regional group and Member State views on issues raised.
- (4) Improving interaction between Member States and the auditors
- The interaction between auditors and the member states should be improved through regular and formal meetings.
- (5) Establishing a fair and efficient mechanism to select Chairs and Vice Chairs of WIPO Bodies
- Improve selection process for Chairs and vice chairs of WIPO bodies. Ensure quality, fairness and expertise of Chairs and vice chairs and clear selection process.

Next Steps

10. PBC members are invited to consider and give guidance on the aforementioned proposals/ideas aiming to improve WIPO governance. Follow up discussions can continue in an Inter-sessional meeting for PBC that can be held in February 2014 with a view to present specific recommendations for PBC 22.

[End of document]