

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO COORDINATION COMMITTEE

Forty-Second (29th Ordinary) Session Geneva, September 7 to 15, 1998

REPORT

adopted by the Coordination Committee

1. The Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/33/1 Prov.2): 1, 2, 3, 4, 7, the first part of 8, 9, 14, 18, 19, 20 and 21.
2. The report on the said items, with the exception of the first part of item 8 and item 19, is contained in the general report (document A/33/8).
3. The report on the first part of item 8 and item 19 is contained in the present document.
4. Mr. Jean-Marie Noirfalisse (Belgium), Chair of the Coordination Committee and Mr. Leo J. Palma (Philippines), Vice-Chair, presided over the meetings of the Committee.

ITEM 8 OF THE CONSOLIDATED AGENDA:

POLICIES AND PRACTICES FOR THE NOMINATION
AND APPOINTMENT OF DIRECTORS GENERAL

5. Discussions were based on document WO/CC/42/1.
6. The WIPO Coordination Committee agreed to adopt the following texts:

“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.”

7. The Delegation of the Islamic Republic of Iran recalled that, during the deliberations of the Working Group, that Delegation had stressed the need for geographical distribution in respect of the post of Director General. While the principle of geographical distribution was not a treaty obligation in other intergovernmental organizations, since the United Nations had adopted the principle in practice, the Delegation of the Islamic Republic of Iran hoped that the Members of the WIPO Coordination Committee would agree to adopt, in practice, the principle of geographical distribution in respect of the post of Director General of the Organization.

8. The WIPO Coordination Committee unanimously adopted the texts set out in paragraph 6, and decided to transmit the said texts to the WIPO General Assembly for its consideration.

ITEM 19 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

9. Discussions were based on document WO/CC/42/2.

Amendments to the Staff Regulations provisionally decreed and applied under Staff Regulation 12.1

10. The WIPO Coordination Committee approved the amendments to Staff Regulation 3.1 under Staff Regulation 12.1.

Termination of Appointment

11. The WIPO Coordination Committee took note of the information as reported in paragraphs 12 to 14.

International Civil Service Commission

12. The WIPO Coordination Committee took note of the information as reported in paragraph 16.

United Nations Joint Staff Pension Board

13. The WIPO Coordination Committee took note of the information as reported in paragraph 18.

Advice on Appointments to posts at grade D.1

14. Discussions were based on paragraphs 20 to 42, in which the advice of the Coordination Committee was sought for the intended promotion to grade D.1 of Mrs. Haidar El Addal, Mr. Eckstein, Mr. Blomqvist, Mrs. Lom, Mr. Espinosa and Mrs. Rogé.

15. The Director General gave information on the six WIPO staff members and the reasons why they merited promotion to D.1.

16. He noted that at the March Session of the Assemblies, he had promised in response to requests by Member States, to make proposals to improve the gender balance at the senior management level of WIPO.

17. He observed that every one of the six candidates had behind them over twenty years of full-time professional experience. In the case of four staff members, the major part of their experience had been with WIPO or with the United Nations system. For the other two candidates, their experience had been closely related to the work of WIPO. Collectively, he noted, they had an accumulated service of over 140 years of experience. Such a rich store of

knowledge was not commonly available, he said. It was indispensable that WIPO should maximize the experience of those staff members. The future of the Organization depended on colleagues like those proposed. He knew them personally and had worked with them closely. They were all solid candidates and enjoyed the full confidence and support of the Director General. They were tested and will be able to carry out the vision of WIPO. He expressed the hope that they would enjoy the confidence of the Coordination Committee.

18. The Delegation of the United States of America expressed support for the individuals nominated. It could not, however, join in the consensus until additional information had been provided which showed that the functions for which they were being promoted corresponded to the standards of grade D.1 in the United Nations system.

19. The Director General stated that the additional information requested was in the process of being furnished to the Delegation of the United States of America.

20. The Delegation of Kenya expressed satisfaction for the nominations made by the Director General and particularly wished to commend him for recommending three women. However, it expressed the wish to see more women being proposed for promotion to higher office.

21. The Delegation of Chile was respectful of the prerogative of the Director General with regard to promotions. It welcomed the fact that out of the six candidates, three were women and that one candidate was from Latin America. The Delegation expressed support for all candidates. In particular, it wished to pay tribute to two of the candidatures, namely Mr. Eckstein, who had played an important contribution, and Mr. Espinosa who has a solid knowledge of intellectual property law and had also been involved in the legal reform, especially in Latin America.

22. The Delegation of Portugal expressed its approval and support for the proposed candidates. It emphasized the fact that the proposals clearly demonstrated the skills of the people being promoted, in particular, Mr. Eckstein, whose technical skills, wide culture and understanding of the needs of Member States had been most valuable to his country and to Portuguese speaking countries.

23. The Delegation of the Netherlands, speaking on behalf of Group B, expressed support for the Director General's proposal and, in particular, with regard to the gender balance.

24. The Delegation of Nigeria expressed agreement with the Director General's proposal and paid tribute, in particular, to Mr. Eckstein, who had shown particular knowledge for the work in the field of development cooperation. It was particularly pleased with the nomination of three women out of the six candidates, but requested that more women, especially from developing countries, be included in WIPO's management.

25. The Delegation of Algeria also expressed satisfaction with the proposed appointments and, in particular, Mr. Eckstein, who had shown great knowledge in the field and had established good relations with the Delegation.

26. The Delegation of Japan expressed support for the nominations and requested whether WIPO could provide a recent organizational chart in the light of these changes.

27. The Director General indicated that the six promotions to grade D.1 would not change the organizational chart already distributed but he would, however, provide the Member States with the latest staff list as it may be of interest for their own information and record.

28. The Delegation of Trinidad and Tobago expressed support for the Director General's nominations and, in particular, for Mr. Eckstein, who had shown good professional understanding and knowledge in dealing with developing countries.

29. The Delegation of the Czech Republic also supported the proposal of the Director General and noted that the appointment of the individuals concerned would further contribute to enhanced working methods of WIPO in the furtherance of its objectives.

30. The Delegation of Bangladesh, speaking of behalf of the Asian Group, observed that the six candidates were well known to the Group, and had the requisite qualifications to serve the Organization at a higher level. Therefore, it wholeheartedly supported the proposal. It noted that one of the six candidates was from Yemen, a country which was in the Asian sub-region. In its view, her promotion among the six, is a first step in rectifying the regional group imbalance, which nevertheless still exists in the Organization and which should further be addressed. The need for equitable geographical representation, and, in particular, the need to address the question of the unrepresented countries was emphasized.

31. The Delegation of India also complimented the Director General for gender sensitivity which he had shown. It added that, in its opinion, there was the need to further address the various needs of regional groups in order to correct the geographical imbalance.

32. The Delegation of Cuba expressed support for the proposal put forward by the Director General. The proposed candidates were said to be valuable professionals and was particularly pleased that among them was a candidate from Latin America and three women.

33. The Delegation of Denmark paid tribute to the Director General for the nominations. It was particularly pleased that one of the candidates was a national of his country and would thus become the highest ranking Danish national in the Organization, which was a source of pride for his Delegation.

34. The Delegation of Benin expressed support for the Director General's proposals and, in particular, paid tribute to Mr. Eckstein, who had gained the high esteem of its country as a result of his competence, dedication and dynamism.

35. The Delegation of Angola congratulated the Director General on his proposals and noted that half of the candidates were women. It paid tribute to the work of Mr. Eckstein for his dedication to developing countries.

36. The Delegation of Venezuela supported the proposal of the Director General and noted that the skills of the individuals concerned would benefit the work of the Organization. It added that it was particularly pleased that there was a Latin American among the proposed candidates, namely Mr. Espinosa, who had worked closely with the ANDEAN Community of Nations on the reform of Decision 344.

37. The Delegation of Burkina Faso supported the proposal of the Director General and encouraged, in particular, the promotion of women. The Delegation paid tribute to Mr. Eckstein, notably for his professional skills and availability in training skills and cooperation.
38. The Delegation of South Africa, speaking on behalf of the African Group, expressed support for the proposal of the Director General and, in particular, for the inclusion of three women candidates.
39. The Delegation of Sweden joined the statement made on behalf of Group B and welcomed the fact that one of the candidates was from his region. Mr. Blomqvist was a highly respected person in the Ministry of Culture of Denmark, and since joining the International Bureau he has shown outstanding professional abilities; Mr. Eckstein had also done excellent work in the area of development cooperation. The Delegation expressed support for all six of the candidates, in particular, for the three women candidates, and encouraged the Director General to pursue that trend in the future.
40. The Delegation of Colombia fully endorsed the proposal to promote the six candidates and expressed satisfaction that three of them were women. It was also pleased that one of the candidates was from his region, namely Mr. Espinosa, and expressed satisfaction for the intended promotion of Mr. Eckstein, who had given valuable assistance to developing programs in Latin America, recognizing his skills and devotion to development cooperation.
41. The Delegation of France wished to associate with other delegations that welcomed the nominations made by the Director General and, in particular, the three women candidates, one of whom was from France. The Delegation also joined with the other delegations in expressing support for the promotion of Mr. Eckstein. He also would welcome the organizational chart in the light of these new appointments.
42. The Delegation of the Russian Federation wished to associate with the consensus reached. It, however, wished to request that for the future, the document concerning proposals should give a more detailed job description, as well as more details concerning the objectives of the organizational units. It asked that the further information to be provided to the Delegation of the United States of America should also be made available to all delegations.
43. The Director General confirmed, once again, that all additional information to be provided to the Delegation of the United States of America, would be made available to all delegations.
44. The Ghana Delegation joined other delegations in the approval of the candidates proposed by the Director General for appointment to posts at grade D.1. The Delegation warmly congratulated all the candidates, mentioning in particular Mr. Eckstein who had demonstrated special skills in the field of development cooperation. At the same time, the Delegation expressed its appreciation to the Director General for his sensitivity to the need for gender balance within the International Bureau of the WIPO which was amply demonstrated in his proposals.

45. The Delegation of Senegal fully supported all the appointment proposals formulated by the Director General, and expressed particular pleasure at the promotions awarded to women. They especially welcomed the proposal to promote Mr. Guy Eckstein to grade D.1, whose exceptional professional ability and devotion to the cause of the owners of intellectual property rights had been abundantly demonstrated. As an indefatigable artisan working for cooperation in developing countries, Mr. Eckstein deserved to have his efforts rewarded at the present time, and therefore the Director General's proposal could be regarded as fully justified.

46. The Delegation of Uruguay expressed support for the appointments, and especially for that of Mr. Eckstein, whose professional abilities had been much appreciated during his long career at the International Bureau.

47. The WIPO Coordination Committee gave favorable advice on the intent of the Director General to promote to grade D.1 Mrs. Haidar El Addal, Mr. Eckstein, Mr. Blomqvist, Mrs. Lom, Mr. Espinosa and Mrs. Rogé.

WIPO Staff Association

48. At the invitation of the Chair of the Coordination Committee, the Representative of the WIPO Staff Association made a statement, which was distributed to all Delegations. This statement appears in the Annex to this draft report.

[Annex follows]

SPEECH BY THE PRESIDENT OF THE WIPO STAFF ASSOCIATION
TO THE WIPO COORDINATION COMMITTEE

Mr. Chairman,
Ladies and Gentlemen,

The Staff Association thanks you for giving it the opportunity to address the WIPO Coordination Committee in the course of the latter's consideration of staff matters.

As I speak, our minds are still haunted by the violent and tragic loss of our two esteemed colleagues, Ludwig Baeumer and Joachim Bilger. Both had devoted great ability and a great capacity for work to WIPO up to and including that awful night of September 2, when each was returning from a mission. They were unanimously respected among WIPO staff, who included friends as well as colleagues. They leave us with an immense void; we shall not forget them.

The staff of WIPO and their representatives have noted with extreme care the Program and Budget adopted by the Member States of the Organization for the 1998-1999 biennium. It is an ambitious program worthy of the key position that intellectual property occupies today and will be expected to occupy tomorrow in a world of technological progress and ever greater interdependence.

The staff of WIPO are willing to undertake the work necessary for the objectives set in the program drawn up for the current biennium by the Director General, Dr. Idris, to be achieved. It has demonstrated this in the course of recent months with the same enthusiasm and the same professionalism that it has always shown over the years as the development of WIPO has proceeded.

The program adopted for the current biennium contains an important part devoted to the management of human resources, with which the Staff Council is well pleased. The Staff Council is particularly pleased with the affirmation of the principle of partnership with the Staff Association, and with the importance attached to taking full advantage of human resources and to the introduction of a system of career development and development of the skills and abilities of the staff that goes beyond the study of the Organization's official languages and training in the use of computer software.

Staff motivation relies on the formulation, within the management of human resources, of clear and fair principles that will benefit both the staff and the Organization, and also the users of the services offered by the Organization in the intellectual property field. The Staff Association is willing to make its contribution to the formulation of rules and areas of emphasis, which will be done by analyzing the situation, working out proposals and analyzing the effects of those proposals. The Staff Council is pleased, in that connection, that the Director General and the Director of the Human Resources Management Division have agreed to the principle of holding regular meetings with staff representatives.

The planning of staff needs is bound to be a key element in human resources management. That planning has to contribute to job security, and the staff, irrespective of category, have to be made aware of it, in order that they may, on the basis of information

received, improve their skills or acquire new ones in those areas in which they might wish to work within the Organization. Established staff should also, as a general rule, be informed of job vacancies and be allowed to apply for the jobs concerned if they meet the required conditions. A major effort has to be made in order to inform the staff as a whole and enable them in turn to be more closely associated with the world mission that falls to WIPO, which should be achieved through better knowledge of the Organization's activities.

Clearly the geographical dispersal of staff in various buildings has the effect of partitioning services somewhat, and leads to a loss of the sense of globality and community of effort. In that connection we look forward to the achievement by Member States of an agreement that should bring a solution in the coming years to the Organization's premises problems, which mean that much of the year is spent on removals that are costly in terms of time, money and effort. Those problems are particularly keenly felt by certain of our colleagues who for a number of years have been housed in premises that have been temporarily furnished, with all the attendant comfort, safety and health implications of such a situation. It is essential that all staff be treated on an equal footing with respect to their physical working conditions. There too the staff sincerely hope that the bonds of partnership will include involvement in the furnishing of the buildings.

The staff are also pleased with the relative priority given the program adopted for the current biennium to staff-related administrative and social services, especially the present insurance cover, the devising of new insurance schemes and the improvement of social and medical services. These items on the program have already brought about the creation of a Management Committee for Medical and Accident Insurance, on which the staff will be represented by serving and retired members, and also the recruitment of a Medical Officer, who will be responsible for an internal Medical Unit. The Staff Council has itself submitted to the WIPO Administration a certain number of proposals on social matters that draw inspiration from action already implemented in numerous Member States of the Organization, and also from recommendations of the UN General Assembly and Heads of Secretariat of the UN and its specialized agencies with a view to better reconciling family life and professional life.

It is by introducing human resources management that takes due account of the realities and concerns of the modern world that an organization such as WIPO can always rely on such a motivated workforce.

The term workforce should be understood to mean also staff engaged on short-term contracts. Some so-called temporary staff have been working here for a number of years. However, such staff have very different working conditions compared with permanent staff or those on fixed-term contracts: there is no annual salary increase, no allowance for the various languages that they are called upon to use, no dependency allowance and no maternity leave; medical insurance cover is minimal, and it is impossible to carry sick leave entitlements from one contract to another, which can be a serious problem in the case of a prolonged illness. WIPO's success is due also to those colleagues who work on short-term contracts. Their circumstances are precarious, especially since many of them come from foreign countries and do not qualify from the social welfare arrangements available to nationals of the host country. The Staff Association has formed within itself a Working Group on the Working Conditions of Temporary Staff, and will shortly be submitting a dossier on the subject to the WIPO Administration.

Last year I conveyed to you the dissatisfaction of the staff with the decision-making method that was applied in the common system and the adverse effects of the process, not only on the staff but also on WIPO itself. The salaries of the vast majority of the staff are still frozen. The International Civil Service Commission has admitted that the country taken as the comparator for the salaries of staff in the Professional and higher categories is no longer the best reference, and yet no action has been taken to remove the anomaly. The salaries of those categories of staff working at Geneva are still at the mercy of a change in the method used for calculating the post adjustment, which is regarded by all the legal advisors of the agencies headquartered in Geneva as being contrary to prevailing legal principles. Only salaries set, calculated and upgraded using an objective method that is applied without regard to any political considerations will allow WIPO to recruit and retain qualified and motivated staff in all categories. Here too WIPO is in direct competition with European organizations that pay substantially higher salaries to their staff.

What is more, WIPO staff cannot be expected to accept the application of a code of conduct that would seriously prejudice its freedom of expression and association. Those fundamental rights, forming part of the Universal Declaration of Human Rights, which celebrates its fiftieth anniversary this year, should be accorded to the staff of international organizations in general and to the staff of WIPO in particular. It will be recalled in this connection that on June 18, 1998, the Conference of the International Labour Organization adopted a Declaration on Fundamental Principles and Rights at Work. In the Declaration, the International Labour Conference "Declares that all Members ... have an obligation ... to respect, to promote and to realize ... the principles concerning the fundamental rights ... namely ... freedom of association and the effective recognition of the right to collective bargaining."

We are still far from being accorded the latter right, which has been demanded by all the staff associations and unions of the organizations of the common system, as witness the progress of the work within the Working Group on the process of consultation with the International Civil Service Commission.

WIPO is inseparable from its staff, which is ultimately its most precious resource. In the Program and Budget that the WIPO Member States have adopted for the current biennium, the management of human resources has been given a very important place. The staff are very pleased with this, and are willing to make their contribution in the spirit of partnership enshrined in the program adopted. They are pleased also with certain steps that have already been taken by the WIPO Administration in the course of recent months. However, they will continue to be concerned for their future as long as they feel threatened by any new adverse decisions that might be taken by the ICSC and the UN General Assembly on the subject of their remuneration, and as long as their fundamental rights have not been recognized and established by practice within the common system.

Thank you for your attention.

[End of Annex and of document]