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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO COORDINATION COMMITTEE

Sixty-First (22nd Extraordinary) Session Geneva, June 15 and 16, 2009

REPORT

adopted by the Coordination Committee

1. Convened by the Director General, the Sixty-First (22nd Extraordinary) session of the Coordination Committee was held on June 15 and 16, 2009, at the headquarters of WIPO. The meeting was opened by the Vice-Chair of the Coordination Committee Mr. Muktar Djumaliev (Kyrgyzstan) and presided over by Mr. Muktar Djumaliev and the second Vice-Chair Mr. Mohamed Abderraouf Bdioui (Tunisia).
2. The following Member States of the Coordination Committee were represented at the meeting: Algeria, Angola, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic Peoples' Republic of Korea, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia (*ad hoc*), France, Germany, Ghana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovenia, South Africa, Spain, Sweden, Switzerland (*ex officio*), Thailand, Tunisia, Turkey, United Kingdom, United States of America, Yemen, Zambia (74).
3. The following States were represented in an observer capacity: Belarus, Cambodia, Comoros, Croatia, Czech Republic, Estonia, Gabon, Guatemala, Guinea, Holy See, Iraq, Israel, Lesotho, Monaco, Panama, Sri Lanka, Republic of Moldova, Serbia, Tanzania, Zimbabwe (20).

Agenda

4. The Coordination Committee adopted its agenda as proposed in document WO/CC/61/1..

Item 3 of the Agenda: Appointment of Deputy Directors General and Assistant Directors General

5. Discussions were based on document WO/CC/61/2. At the opening of the discussion, the Director General made the following statement:

“Thank you very much Mr. Chair and Good Morning once again, ladies and gentlemen.

“Let me start, by paying tribute to the existing and outgoing team of senior management of Deputy Directors General and Assistant Directors General and to express my personal gratitude as well as the gratitude of all the Secretariat to the team, and in particular, to the non-continuing members of that team. The process for the nomination and appointment of new Deputy Directors General and Assistant Directors General, as you know, has involved quite extensive consultations. As a change this year, I extended invitations to Member States to nominate candidates and I am very pleased to say that 20 excellent candidates were proposed by the Member States. I should like to thank all of the Member States who proposed candidates, as well as the candidates themselves. It is a sign of intense interest in the Organization and we are very grateful. Of course, the number of candidates and the excellence of their experience, qualifications and skills, made the task of selecting a team all the more difficult. That was a task which involved trying to match skills and experience to the portfolios in the Organization. I should also like to take this opportunity, Mr. Chairman, to express my gratitude to all of the Member States for their very constructive engagement in the process of consultations which has taken place over the past weeks and months and for the many efforts made by each of the Groups to work towards a consensus on this list that I am proposing to you this morning. Let me refer to one point that arose quite frequently in the consultations. It concerns an ongoing question that we have discussed as an Organization for some time now, the question of geographical representation amongst the Secretariat, in general. I have undertaken to each of the Groups and I am very happy to do so this morning that this is a question which is a priority question and that we will see addressed, first of all in the Program and Budget for the next biennium 2010 and 2011 but also in the medium-term strategic plan of the Organization for the next five-year period.

“Now let me turn, if I may, to the team that is proposed for your approval this morning and I shall cite briefly the names of the members: Mr. Geoffrey Onyeama from Nigeria who is proposed as Deputy Director General for Development, Mr. James Pooley from the United States of America who is proposed as Deputy Director General for Patents, Madam Wang Binying from China who is proposed as Deputy Director General for Trademarks, Industrial Designs and Geographical Indications, and Mr. Christian Wichard from Germany who is proposed as Deputy Director General for Global Issues. The three Assistant Directors General who are proposed, for your advice, are Ambassador Trevor Clarke from Barbados who is proposed to take the portfolio for copyright, Mr. Andi Sundaram from Sri Lanka who is proposed as an

Assistant Director General to be responsible for all of the administration and finance of the Organization, and Mr. Yo Takagi from Japan who is proposed as an Assistant Director General for Global Infrastructure. I am very confident that these persons together will constitute a very strong team to lead the Organization in confronting the major challenges that it has with respect to intellectual property and development, the evolution of a balanced normative framework in the field of international intellectual property and the maintenance and establishment of WIPO's position as a premier provider of intellectual property services and system. I am very confident that the team will provide the necessary leadership for us to face the challenges.

“Thank you very much, Mr. Chairman.”

6. The Delegation of the Russian Federation, speaking on behalf of the Central Asian, Caucasus and Eastern European Countries, expressed its gratitude to the Director General for the efforts that had been made by him to find consensus on such a substantive issue which had a determining effect for the future of the Organization and for the continuation of the reform which had already began. The Delegation said that after having carefully considered the proposals brought forward by the Director General, it fully supported them, trusting that the individuals who would excel in these important positions in the Organization would work as one team in the interest of the Member States and the international system and relations and wished them every success.

7. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, welcomed the candidates for the Deputy Directors General and Assistant Directors General as proposed by the Director General of WIPO. It commended the other Groups for endorsing the candidate of Sri Lanka to the post of Assistant Director General. The Delegation expressed its thanks to the Director General of WIPO for holding extensive informal consultations prior to the Coordination Committee meeting, as a means for many Member States to voice their concerns and receive explanations from the point of view of the Secretariat. The Delegation stated that many members of the Asian Group had expressed concerns over the practice that WIPO had followed in appointing the Deputy Directors General who are responsible for certain aspects of intellectual property to one group of countries, and hoped that this practice would change in future and that the personal capacity of the candidates of other countries, as well as the contributions and the interests of other regions would be considered fairly. It expressed the Group's hope that the new senior management team appointed by this Committee would remain sensitive to the concerns of developing countries and least-developed countries, and expressed particular interest in mainstreaming the Development Agenda in the Organization's work and achieving tangible progress on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (GRTKF) issues. The Delegation said that its Group was confident that with the new team in office, WIPO would be directed towards a much more efficient and productive Organization. The Delegation endorsed and fully supported the team proposed. It stated that the Group had no doubt that the new team would remain open and transparent to the Member States in receiving their proposals and maintaining a dialogue. The Group also expressed its appreciation of the work of the outgoing Deputy Directors General and Assistant Director General, who were in office during the extraordinary circumstances in WIPO. The Group wished the very best to the outgoing team in all its future endeavors.

8. The Delegation of Costa Rica, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), acknowledged the efforts taken by the Director General of WIPO, in bringing a consultation process forward which meant that today under his mandate the Member States had a renewed Organization. It wished to underscore the high professional and human quality of each and every one of the candidates who took part in this process. All the candidates met the necessary requirements to take on board the positions to which they had been appointed and that would be approved by the Coordination Committee. The Group expressed its thanks to Messrs. Philippe Petit of France, Narendra Sabharwal of India, Michael Keplinger of the United States of America, Geoffrey Onyeama of Nigeria and Ms. Wang Binying of China and, particularly, Mr. Ernesto Rubio of Uruguay for the services provided to the Organization during their time in the positions as Deputy and Assistant Directors General. The Delegation extended a heartfelt thanks to all of them, expressed its support for the appointment proposals contained in the document and wished the new Deputy and Assistant Directors General the best of success. It also underscored its willingness to work in cooperation with them in implementing projects for the benefit of the Organization and all Member States. It wished the new team the best success in their new functions and stated that GRULAC would always be willing to support them in their functions. At the same time, the Delegation said that it would be watching over results making sure they complied with commitments entered into. The Delegation noted that WIPO was facing several international challenges in the field of intellectual property, and that each one of the new officials appointed would be responsible for managing the departments responsible for providing developing countries, least-developed countries, as well as the developed countries the necessary tools to face these situations and to build upon capacities in line with the national strategic plans of each one of the members. The Delegation extended particular thanks to Ambassador Trevor Clarke, the Permanent Representative of Barbados to the United Nations Office and the specialized agencies in Geneva. The Group had been witness of his work as a colleague, both in the meetings of the Organization as Chair of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) and the Committee on Development and Intellectual Property (CDIP) as well as the other United Nations Agencies in Geneva and in the World Trade Organization. Mr. Clarke had always worked in favor of the interest of developing countries with vulnerable economies and he had always fought to achieve productive dialogue. The Delegation stressed its pride to see its region represented by Ambassador Clarke and wished him every success.

9. The Delegation of Serbia, speaking on behalf of the Central European and Baltic States, stated that it supported the proposal of the Deputy Directors General and Assistant Directors General made by the Director General. It said that its Delegation appreciated the concerted efforts that had been made and sincerely hoped that future results would justify the Member States' confidence and prove that the choice was the correct one for the benefit of all. However, the Delegation wished to state that, as expressed during the consultations held by the Director General on this issue, its Group was not truly satisfied with the fact that the proposal did not reflect the geographical balance in whole since its region remained unrepresented. It said that WIPO was an international organization and that its region was under-represented at the senior level within the Organization and the Delegation was convinced that this was a good opportunity to correct the present situation.

10. The Delegation of Germany, speaking on behalf of Group B, wished to thank the Director General and his staff for the thorough preparation of the extraordinary session of the Coordination Committee. The Delegation said that after several months of intensive deliberations, the Director General had presented his proposal for the appointment of four

Deputy Directors General and three Assistant Directors General. The Delegation expressed Group B's appreciation to the International Bureau for the inclusive consultative process. The Delegation was convinced that the proposed team would provide the necessary skills set and the professional experience needed to deliver the projected results and outcomes, and it therefore stood ready to approve the decisions in paragraphs 12 and 13, as contained in the document. The Delegation also emphasized its gratitude and recognition for the efforts and achievements of the outgoing Deputy Directors General and Assistant Director General, namely, Messrs. Philippe Petit, Michael Keplinger, Narendra Sabharwal and Ernesto Rubio who had all contributed and would continue to contribute to advancing the cause of intellectual property and WIPO. Without their valuable contributions, the Delegation said, the Organization would not have successfully managed the difficult challenges of the transition phase that was now behind it. It stated that today's meeting marked the beginning of a new chapter; the challenges before Member States were different, but no less crucial to the future of WIPO. The Delegation stated that Member States had committed themselves to a comprehensive reform program that aimed at making the Organization robust and proper for the challenges of the 21st century. They had launched a process of strategically realigning WIPO's projects, structures, systems, and resources, and endeavored to give this realignment a sustainable basis by placing it into a medium term strategic plan. It stated that Member States had committed themselves to an effective and efficient implementation of the recommendations of the WIPO Development Agenda, while also aiming at maintaining and improving the responsiveness and functionality of the PCT and Madrid Systems, as well as the WIPO Arbitration and Mediation Center, and paying more attention to the role of intellectual property in finding solutions for global challenges. These were only a few of the enormous responsibilities before the Member States and the exercise became even more delicate in times of scarcer resources and economic uncertainty. The Delegation said that in fact, Member States needed to achieve more with less, yet they were confident that a committed Director General and new senior management would be able to successfully transform the global agenda for intellectual property into tangible and sustainable results for the benefit of all Member States and to re-establish WIPO as a principal forum for intellectual property policy-making at the international level. The Delegation reiterated that Member States were ready to actively engage themselves in this process.

11. The Delegation of China said that it agreed with and appreciated the efforts of the Director General on the proposals and nominations of Deputy and Assistant Directors General. The Delegation praised the curricula vitae of the proposed nominations and believed that it was the result of the Member States' consensus. On the candidates, the Delegation was of the view that they had high professional experience and that they represented, in a balanced way, the interests of the Organization. The Delegation believed that the new management team would play their role in the future work of WIPO and in facing the new challenges, and it pledged further contribution to the Development Agenda.

12. The Delegation of Senegal, speaking on behalf of the African Group, expressed satisfaction concerning the constructive spirit which had characterized the Director General's consultations with the Group with a view to appointing his closest colleagues and, as a result, the Delegation approved the appointments in question. The Delegation said that the Group continued to be concerned by the under-representation of Africa in the Secretariat and hoped that an end could be brought to this situation quickly. It welcomed the excellent work done by the predecessors of the individuals proposed and wished them complete success in their new duties. It expressed the wish that the establishment of the senior management team should be the beginning of a period of greater trust and effectiveness, as such principles

would allow the Organization to carry out its duties in full. Regarding agenda item 4, relating to the voluntary separation from service program, the Delegation emphasized that it wished to have more information on the scheme in question. Referring to agenda item 5, the Delegation expressed its opinion concerning financial disclosure and declaration of interests, and noted that, as indicated in the document, it was a proposal in accordance with the WIPO Staff Regulations and Staff Rules, which, if it were applied, could help to strengthen the ethics of the WIPO staff members responsible for devising policies and endowed with independent decision-making authority. As a proposal designed to strengthen governance and the presentation of accounts within the Secretariat, the African Group subscribed thereto. However, the Group hoped that the mechanisms put in place would comply with the United Nations Code of Staff Ethics, approved by the United Nations Secretary General in March 2009, and with the practices existing in other international organizations.

13. The Delegation of Singapore, speaking on behalf of the Association of South East Asian Nations (ASEAN), fully associated itself with the statement made by Sri Lanka on behalf of the Asian Group. The Delegation said that ASEAN believed that the value and effectiveness of any organization were underpinned by the caliber of its staff, management and leadership. It welcomed any initiative to improve and strengthen WIPO's managerial structure. In this regard, ASEAN welcomed the Director General's proposal to appoint Mr. Geoffrey Onyeama, Ms. Wang Binying, Messrs. Christian Wichard and James Pooley to the posts of Deputy Directors General, as well as Messrs. Yo Takagi, Trevor Clarke and Ramanathan Ambi Sundaram to the posts of Assistant Directors General. The Delegation was of the view that these appointments were made on the basis of professional merit, appropriate technical expertise, and qualifications as outlined in Article 9(7) of the WIPO Convention. Given WIPO's international and diverse membership, the Delegation emphasized the importance of ensuring equitable geographical distribution in WIPO senior management. The Delegation said its Group's perspective was that competent and qualified candidates from every region should have the equal opportunity to take on positions of responsibility at the higher echelon of WIPO. The Delegation stressed that WIPO was a member-driven Organization and that it was looking forward to the new management's support in implementing Member States' consensual decisions. The Group wished to commend all the 20 candidates for contributing to the process. In particular, the Delegation wished to specially commend the candidates from ASEAN, for the posts of Deputy Director General, Mr. Adrian Soriano Cristobal from the Philippines and Mrs. Puangrat Asavapisit from Thailand, for their contribution to the selection process and its outcome. The Delegation noted that the new management faced several pertinent and crucial challenges. One such challenge, in the view of ASEAN, was implementation of WIPO's Development Agenda, and the need for WIPO's development dimension to be mainstreamed into all of its activities, taking into account the needs of its majority membership, developing and least-developed countries. The Delegation mentioned other significant issues, such as the need to accelerate the work of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore. No outcome of Member States' work should be barred, it said, including the possible development of an international instrument for the visually impaired, and improvement of the functioning and effectiveness of the PCT system. ASEAN hoped that the new management team would play a more active role in meeting the needs and interests of all WIPO Member States. The Delegation said it aimed for a strong and cooperative relationship, and it pledged to work closely with Mr. Gurry and his new team to move WIPO's agenda forward. In closing, the Delegation wished to extend its gratitude and appreciation to the outgoing Deputy Directors General, Messrs. Philippe Petit, Narendra Sabharwal, Michael Keplinger and Assistant Director General, Mr. Ernesto Rubio.

14. The Delegation of the Czech Republic, speaking on behalf of the European Community, stated its appreciation for the Director General's approach to the nomination of Deputy and Assistant Directors General. The European Community thanked the Director General for hosting open and informal consultations prior to the Committee's meeting. It supported the Secretariat's effort to increase efficiency through its program of strategic realignment, and it hoped that this would enable WIPO to become more effective and timely in its response to global economic challenges. To fulfill these lofty goals, the Delegation recognized that skilled personnel were needed. The European Community found the Director General's proposed candidates highly skilled and capable of substantially contributing to WIPO goals; therefore, it fully supported the proposed candidates.

15. The Delegation of the Republic of Korea associated itself with the statement made by Sri Lanka on behalf of the Asian Group. The Delegation was pleased that each candidate had high qualifications, vast experience, and a demonstrable understanding of intellectual property issues. The Delegation was especially contented that Ms. Wang, Messrs. Sundaram and Takagi, each from the Asian Group and its vicinity, were included as candidates for Deputy and Assistant Directors General. The nomination process was an adequate reflection of the importance of balancing individuals' character and abilities while respecting the principle of geographical representation. The Delegation hoped that WIPO would implement a similar approach in filling all of its staff vacancies. It offered its service to WIPO, and as one of the largest contributors and benefactors of the Organization, the Delegation stated that it looked forward to great cooperation with the Secretariat. Finally, the Delegation paid tribute to the outgoing Deputy and Assistant Directors General; it expressed particular gratitude to Mr. Sabharwal for his active involvement in aiding the development of the Asian region's intellectual property system.

16. The Delegation of Japan associated itself with the statement made by Germany on behalf of Group B. The Delegation expressed its belief that all nominees were of the highest caliber and possessed the experience and expertise necessary to manage the Organization. It noted that the diverse composition of the new management sent a strong message to the intellectual property world that WIPO would be active in addressing the challenges its Members faced. The Delegation expressed full support for the Director General's proposed management team, and it extended its thanks to the Director General for consulting delegates prior to his choosing the nominees. The Delegation was especially honored by the candidature of Mr. Takagi, for the post of Assistant Director General for Global IP Infrastructure. Mr. Takagi, it said, was ideally placed to use his vast knowledge and extensive experience to continue benefitting the Organization. The Delegation expressed gratitude to the outgoing Deputy and Assistant Directors General for their outstanding contributions to WIPO. In closing, the Delegation said that it hoped the new management would bring about good governance and accountability, and respond to the needs of WIPO's constituency. The management of the Organization was tasked with gaining the confidence of Member States and various intellectual property stakeholders. The Delegation requested that the new management strive to live up to Members' high expectations, and it assured the Committee that it would work with WIPO to meet these goals.

17. The Delegation of Pakistan aligned itself with the statement made by Sri Lanka on behalf of the Asian Group. The Delegation recognized and gave thanks to the Coordinator of the Asian Group for her tireless effort to bring members to consensus. The Delegation appreciated the Director General's transparent and consultative effort in the course of nominating his new management team. During its prior, informal consultations with the

Organization, however, the Delegation had taken issue with several matters. First, the Delegation felt it would be best if the Organization rotated the seven posts of Deputy and Assistant Directors General, so that every region had a fair chance to have a representative in a top management position. Second, the Delegation questioned whether the Organization was truly placing the most appropriate people in particular positions of command. It expressed unease with the Secretariat's filling of posts in sectors dealing especially with issues of prime importance to developing countries, such as the IGC. The Delegation hoped that the Organization would fill such posts with people who would ensure tangible progress in these important and otherwise deadlocked areas. Lastly, the Delegation was troubled that the Development Agenda was not staying under the Director General's direct supervision. Despite these concerns, the Delegation said that it did believe Directors General should have the flexibility to choose their own management. Member States should not be concerned with the specific persons chosen, but rather with the results they produce. In that spirit, the Delegation expressed full support for the Director General's nominees; it wished the new management luck and it hoped that the new team would meet Member States' highest expectations. Before closing, the Delegation wished to address the term of the Deputy and Assistant Directors General. It said that the term of office for the new management should be six years, not five. It reasoned that six-year terms would maintain continuity in WIPO policies. The Delegation thought that replacing every position of top management could be detrimental to WIPO's smooth transition between leadership. In addition, replacing top management a year after a Director General's exit would afford incoming Directors General the time and flexibility to choose the best possible management team.

18. The Delegation of Paraguay offered its congratulations to the Chairman for presiding over the meeting. It aligned itself with the statement made by Costa Rica on behalf of the Group of Latin American and Caribbean States. The Delegation expressed its gratitude to the Director General for the work he had undertaken to present Member States with a list of nominees for the posts of Deputy and Assistant Directors General. It appreciated the transparency of the process and hoped that similar processes would be followed not only throughout WIPO, but in other international organizations as well. Caribbean states were very important to the GRULAC region. In that respect, the Delegation expressed its particular appreciation for the nomination of Ambassador Trevor Clarke. Mr. Clarke, it said, was a distinguished colleague of the Delegation; he had a renowned career in Geneva, and his leadership would surely benefit WIPO. The Delegation also lauded incumbent Assistant Director General Mr. Ernesto Rubio, from Paraguay, who served WIPO very effectively during his tenure. Although the Delegation enthusiastically welcomed the nomination of Mr. Clarke, it was sorry to see that there were no Spanish-speaking candidates proposed. As millions of people speak Spanish in the world, the Delegation declared that the language should continue to remain an important reference within the Organization. Despite the omission of a Spanish speaker, the Delegation said that the proposed candidates' geographical range was suitable, and that the candidates' geographic diversity indicated WIPO's dedication to inclusion in filling its top-level management positions. Before closing, the Delegation wished to bring attention to an issue that it found particularly disquieting; namely, WIPO's work to increase technical cooperation among Members. The Delegation stated that the Organization's efforts in this area needed to be increased.

19. The Delegation of Angola expressed its support for the statement made by the Delegation of Senegal, on behalf of the African Group, and said that it supported the appointment of the proposed candidates. The Delegation gave its thanks to Director General Gurry for his consultation with Member States during the process of choosing WIPO's new

management. It was confident that these new leaders would help the Director General address global issues on intellectual property and effectively confront any new challenges that might arise in the coming years. The Delegation expressed hope that the newly elected team would find success in its future work, and it promised its cooperation in helping WIPO meet its goals.

20. The Delegation of Yemen associated itself with the statement made by Sri Lanka on behalf of the Asian Group. The Delegation wished to add to the consensus of several regional groups and voice its support for the Director General's nominees for Deputy and Assistant Directors General. The Delegation acknowledged the importance of taking into account individual competencies, but it wished to reemphasize the importance of geographical representation. WIPO is an international organization, which represents many countries and many distinguished delegates. Yet, the Delegation of Yemen declared that the Gulf region was not benefiting from the principle of equitable geographical distribution. Yemen had delegates in several international organizations, and it regularly took part in WIPO meetings. In that respect, it invited the Director General to take account of the under-representation of the Gulf region in WIPO management posts.

21. The Delegation of Indonesia aligned itself with the statement made by Sri Lanka on behalf of the Asian Group, and with the statement made by Singapore on behalf of ASEAN. The Delegation called attention to the special nature of the current session, as the Coordination Committee was tasked with appointing new Deputy and Assistant Directors General. It thanked the Director General for his efforts to select candidates in consultation with the Member States. The Delegation supported each of the nominees for Deputy and Assistant Directors General; such posts were the highest positions in each field of the Organization and it was appropriate, it said, that each candidate was of the highest caliber, with the utmost professional experience. The new management would be tasked with translating the Director General's directions, but the Delegation reminded the appointees that WIPO was also an organization of Member States. Therefore, the Delegation encouraged the new management to pay close attention to deliberations and negotiations within WIPO. It asked the Deputy and Assistant Directors General, where possible, to focus on implementing WIPO Member States' consensus decisions. The Delegation underlined the need for WIPO to become more adaptable to Member States, as States were facing growing issues in intellectual property protection. As an example, the Delegation mentioned Member States' particular need for the timelier implementation of WIPO's Development Agenda. The Delegation offered that integration of the Development Agenda into each facet of the Organization's activities would prove that WIPO was in favor of a balanced intellectual property scheme. It also considered the protection of Traditional Knowledge, Genetic Resources, and Folklore a crucial challenge for Member States, and one that WIPO needed to more effectively address. Finally, the Delegation prevailed upon the Organization to prioritize equitable geographical distribution of WIPO leadership. The Delegation did not wish to do away with consideration of candidates' merit and experience. It did hope, however, that the Organization, in conjunction with considering individuals' skills and abilities, would consider more seriously the geographical distribution of posts, and not only in top-level positions but in every layer of WIPO management. To conclude, the Delegation conveyed its utmost appreciation to the outgoing Deputy and Assistant Directors General.

22. The Delegation of Nigeria was commended the Chair for his leadership during the course of the meeting. The Delegation also appreciated the Director General, as it believed that Mr. Gurry took many efforts to achieve the promises he gave to WIPO Member States.

With respect to the Deputy and Assistant Directors General, the Delegation expressed its unreserved and full support for the statement made by Senegal, on behalf of the African Group. The Delegation endorsed all of the Director General's nominations. With respect to the Delegation of Pakistan's proposal to extend the term of office of the new Deputy and Assistant Directors General, the Delegation of Nigeria did not believe that an extension as such was necessary. It pointed out that the former Director General had left office early, making possible the current Director General's extra time for appointing his new management. The Delegation stated that the incoming management should have the same term as the incumbent Director General. The Delegation wished to make it known that it too had concerns about the Organization's Development and IGC Agenda. Nevertheless, because it believed that this Committee was not the appropriate forum in which to raise such issues, the Delegation reserved its concerns on these matters for a more suitable meeting. In closing, the Delegation thanked the outgoing officers for their commendable work and commitment to WIPO.

23. The Delegation of Iran (the Islamic Republic of) associated itself with the statement made by Sri Lanka on behalf of the Asian Group. The Delegation expressed its congratulations to Mr. Gurry, Director General, for holding the trust of the Member States. It took the view that the appointment of the Director General's new management signaled the end of WIPO's transition period, thus the Delegation hoped that the revised budget, WIPO's strategic goals, and its Development Agenda would move forward towards full implementation. The Delegation hoped that the new team's efforts would produce tangible progress towards these goals. In closing, the Delegation wished the best to the outgoing, and incoming, Deputy and Assistant Directors General.

24. The Delegation of Israel aligned itself with the statement made by Germany on behalf of Group B. It noted that this election was especially crucial in view of the many challenges that the Organization faces in the coming years. The Delegation commended the Director General for conducting a transparent nomination process. It expressed confidence that the proposed Deputy and Assistant Directors General represented an ideal composition of expertise and experience. Accordingly, the Delegation said that it supported fully the Director General's proposal for the posts of WIPO's highest management. Before closing the Delegation paid tribute to the outgoing Deputy and Assistant Directors General.

25. The Delegation of Spain associated itself with the statement made by Germany on behalf of Group B, and with the statement made by the Czech Republic on behalf of the European Community. The Delegation noted the importance of the Coordination Committee's current meeting. It expressed full support for the candidates and its hope that the appointment of WIPO staff and management would continue to reflect the plural nature of WIPO's Member States. The Delegation noted that the future of intellectual property would affect all WIPO constituencies. In that view, it continued, appointment of management should form a foundation that pulls together all Member States. In accord with the statement made by Paraguay, the Delegation requested the Organization to consider more highly the relevance of the Spanish language. Because of the difficulty of accession in the past, the Delegation expressed prioritization for the reaching of consensus agreement with other States. It thanked incumbent Assistant Director General, Mr. Ernesto Rubio, for his balanced representation of all intellectual property interests. Balanced representation, it explained, would be key to WIPO's international success. The Delegation said that it believed the staff policy measures, which the Committee would consider later in the meeting, merited implementation. It assured the Director General of its support in generating the adoption of

these policies. With regard to the budget discussions to commence in several weeks, the Delegation expressed its strong commitment to this meeting. In closing, the Delegation granted the Director General its support for any project that he felt would broaden the importance and respect of WIPO.

26. The Delegation of India thanked the WIPO Secretariat for convening the Coordination Committee meeting. It congratulated the Director General for his success in conducting a transparent and consultative process for the appointment of his new Deputy and Assistant Directors General. It believed that the Director General's ability to shortlist candidates who would comprise senior management was an important prerogative of the Secretariat, necessary to enable optimal implementation of the tasks mandated by Member States. The Delegation expressed its full faith in the candidates and their capability to enhance the use of intellectual property as a tool for development in all Member States. The Delegation expressed its deepest thanks to the outgoing Deputy and Assistant Directors General, whose work was essential to WIPO's progress. The Delegation welcomed the proposed streamlining of WIPO's administrative and management functions, as well as the establishment of a sector for Global Issues and Infrastructure, to process the new and emerging world challenges in intellectual property. The Delegation aligned itself with the statement made by Sri Lanka on behalf of the Asian Group. It especially wished to highlight the Group's call for equitable representation of all regional groups in WIPO's senior management, especially in the area of patents, which it said was continually managed by the same region. Concerning the Delegation of Pakistan's proposal for extending the tenure of incoming Deputy and Assistant Directors General, the Delegation recognized that the instantaneous turnover of all senior and top-level management could be counterproductive to the Organization's short and long-term goals. Accordingly, it said that it would be amenable to hearing a proposal for the extension of management's term. In conclusion, the Delegation wished the Deputy and Assistant Directors General the very best in their new assignments.

27. The Delegation of Egypt associated itself with the statement made by the African Group. It welcomed the Director General's consultations concerning the appointment of WIPO's Deputy and Assistant Directors General. The Delegation supported these candidates and said that it would work to ensure that their nomination was carried out. The Delegation trusted the candidates would contribute diligent and loyal work to advance WIPO. It congratulated and commended the outgoing management for the excellent work undertaken during their term in office. The Delegation also wished to bring attention to the ongoing aspect of inequality with respect to geographical representation in the WIPO Secretariat. In the Secretariat's highest eight posts, four positions were held by citizens belonging to a single region, accounting for fifty percent of WIPO's management. In light of the Organization's international nature, the unequal representation of regions in WIPO's management was troubling. It seemed, the Delegation continued, that the Organization promoted the erroneous perception that the professional skills and experience of citizens from a number of regions exceeded those of citizens from other regions. The Delegation prevailed upon the Secretariat to change its message to one promoting equality. The Delegation also addressed Paragraph 11 of the document under consideration, pertaining to the candidates' proposed term of office. Member States had heard both sides of the argument. The Delegation of Pakistan proposed extending the term because it believed there were benefits in allocating new Directors General an additional year to consult Member States and choose new management. The Delegation of Nigeria, on the other hand, suggested that WIPO maintain its current practice, as there was more risk than benefit in past management's ability to bind new Directors General. To gain further clarity on the issue, the Delegation of Egypt requested that

the Director General share his views on the subject. Next, the Delegation expressed confusion in respect of the proposed duties of the Deputy Director General for Development; the Deputy Director General would provide strategic direction for the coordination of the Development Agenda. The Delegation believed that allocation of this authority was contrary to the Director General's promise that he would manage the Development Agenda directly. The Delegation reiterated its full support for the Director General's proposal and said that it had full faith in the senior staff's abilities. It requested clarification from the Director General concerning his intent to manage the Development Agenda, however.

28. The Delegation of Algeria thanked the Director General for the series of consultations he had held with the Groups relating to the candidacies for the posts of Deputy Directors General and Assistant Directors General, and approved the proposed candidacies. The Delegation expressed satisfaction at the appointment of Mr. Geoffrey Onyeama to the post of Deputy Director General of Cooperation for Development, and invited the Secretariat to grant Africa greater representation in the Organization, including for senior management posts.

29. The Delegation of Oman associated itself with the statement made by Sri Lanka on behalf of the Asian Group. It expressed support for the candidates put forth by the Director General and welcomed the Secretariat's effort to conduct constructive and transparent consultations prior to the choosing of cabinet members. Such open consultation with Member States had afforded Delegations the opportunity to express opinions and concerns, and ultimately facilitated Members' strong consensus on the important issue of management. In that respect, the Delegation offered its congratulations to the new appointees and expressed hope for their future success. The Delegation also thanked the outgoing team and wished them every success. The Delegation also aligned itself with the statement made by Yemen. It had similar concerns, it said, about the under-representation in WIPO of the Arab and Gulf-Arab region. The Delegation explained that the Arab region was rich with citizens making valuable cultural and industrial intellectual expressions. The Delegation asked the Director General to keep the content of Member States' statements in mind as he moved WIPO into the future.

30. The Delegation of Morocco hoped that the balance between regions would be strengthened in favor of the African continent and approved the proposals of the Director General for the appointments of the new Deputy Directors General and Assistant Directors General, while considering that all the proposed candidates had the requisite professional skills and human qualities to move WIPO's agenda forward and meet the needs of all member countries, in particular those which were currently suffering as a result of the economic and financial crisis that had been rife for some time. The Delegation recalled the Director General's personal commitment to development, and expressed the hope that that would be shared by all members of the senior management in order to speed up the implementation of the Development Agenda and achieve all its aims in the shortest possible time frame. The Delegation of Morocco also stated that it paid tribute to and thanked the outgoing Deputy Directors General and Assistant Directors General for all the work they had done for WIPO's benefit.

31. The Delegation of Guinea approved all the appointments and congratulated the people appointed to the different high level posts within WIPO, in particular Mr. Geoffrey Onyeama, and also thanked the outgoing Deputy Directors General and Assistant Directors General for the services rendered to the Organization. The Delegation specified that it hoped that in the future particular attention would be given to Africa with a view to its representation in the

Organization and that development issues would be at the center of all WIPO's activities, with particular emphasis on the concerns of the Least Developed Countries (LDCs).

32. Regarding the Delegation of Egypt's question about the terms of appointment for proposed Deputy and Assistant Directors General, the Director General pointed out that, while the Convention provides that Directors General cannot serve for less than six years, it is silent with respect to the term of Deputy Directors General. Despite this, the Director General explained, past practice had been that the term for top-management was three years. In the course of the mandate of Directors General, senior management had thus been subject to two occasions of appointment: once for their initial three year term, and then for an additional three years if reappointed. When the previous Director General took office in 1998, there was a Deputy Director General whose appointment was longer than the term of the outgoing Director General. In the document presented to the Coordination Committee at that time, the then-Director General proposed that the term for his nominees for Deputy and Assistant Directors General not exceed his own term. The Coordination Committee approved that proposal. The Director General also referred the Committee to WIPO Convention Article 9(7), which read that the "Director General shall appoint the Deputy Directors General after approval by the Coordination Committee". The Director General stated that his perception of the spirit of that Article was that the Director General should appoint his own management team. Finally, the Director General referred to common practice. The common practice throughout international organizations, he said, is that incoming management makes its own appointments for top management. With all of this in mind, the Director General expressed his belief that the term of Directors General and his or her Deputy and Assistant Directors General should be coterminous. He made clear that he did not think the Committee should extend the term of top-management. In reference to the Delegation of Egypt's other comment, about coordination of the Development Agenda, the Director General noted that he had been directly supervising the Development Agenda program since taking office. Nevertheless, the Director General said he believed that it was entirely appropriate at this time to transfer such responsibility to the Deputy Director General for Development. He emphasized that allocating these duties to Mr. Onyeama would in no sense reduce his own close involvement, support and interest in the Development Agenda.

33. The Delegation of Sri Lanka, speaking in its national capacity, extended its congratulations to the appointees, especially those appointees from the Asian Group. The Delegation wished to express its belief that Mr. Sundaram would be an asset to the Organization, and that his expertise would be vital for the transformation of WIPO into a more transparent and efficient Organization.

34. The Delegation of Switzerland approved the proposal by the Director General concerning the candidacies for the posts of Deputy Directors and Assistant Directors General for the period 2009-2014, as presented in document WO/CC/61/2. In view of the curricula vitae of the different candidates and the description of the posts they would occupy, the Delegation of Switzerland said that it was reassured by the idea that the Director General would be surrounded by people of value who would help him to guide the Organization towards a successful future. The Delegation of Switzerland thanked the Deputy Directors and Assistant Directors General currently in office and extended to them its best wishes for their professional and personal futures. It emphasized the fact that as the host country and a member of the Organization, Switzerland had always attached particular attention to the Organization having staff who corresponded as closely as possible to its needs, since it was essential for WIPO to have qualified personnel, with the requisite expertise, at all levels. The

Delegation said that it was happy to continue, with the future WIPO management team and its Director General, the very good cooperation which it had had thus far with the team currently in office, and that it wished all its future members great success in the performance of their duties.

35. The Coordination Committee approved the appointments of: Mr. Geoffrey Onyeama, Mr. James Pooley, Ms. Wang Binying and Mr. Christian Wichard as Deputy Directors General, for the period from December 1, 2009 to November 30, 2014; and gave favorable advice on the appointments of Messrs. Trevor Clarke, Ramanathan Ambi Sundaram and Yoshiyuki Takagi as Assistant Directors General for the period from December 1, 2009 to November 30, 2014, and took note that Mr. Sundaram might start on an earlier date.

Item 4 of the Agenda: Proposal for Voluntary Separation Scheme

36. Discussions were based on document WO/CC/61/3.

37. The Director General explained that the Organization, in the next biennium, faced declining financial revenue, which required it to curb expenditures. The Organization's largest expenditure is staff; therefore, staff must be reduced. The Director General explained that, despite the dire circumstance, he aimed to trim staff expenditures in the most humane way possible. In this respect, he highlighted that the Program put forth was a completely voluntary scheme; staff had the choice as to whether they would separate from service. The Director General also brought it to the Committee's attention that the Staff Council was in full support of the proposed Program. He mentioned that similar programs were used by many international organizations. As to why the Secretariat did not bring the proposal before the Program and Budget Committee, the Director General explained that the plan required no extra funding. The Program was proposed to the Coordination Committee because it entailed a temporary derogation from the Staff Rules, to the extent that staff were given a more enticing separation package than the one ordinarily offered.

38. Speaking on behalf of the African Group, the Delegation of Senegal wished to obtain clarifications on the ins and outs of the voluntary separation from service scheme as well as on the expression "to take note", contained in paragraph 25.

39. The Delegation of India welcomed the Secretariat's initiative to streamline the Organization to better equip it to realize its strategic realignment goals. But the Delegation said it understood the Program was based on the findings of the Price Waterhouse Coopers ("PWC") report of 2007, which raised several questions for the Delegation. Specifically, in the 2007 document discussing the PWC report (Document WO/GA/34/12, Paragraph 13(b)), the Organization described the report as inaccurate. The Delegation requested clarification as to whether the Organization had done more extensive research into the Program, or whether the Program was in fact based on the flawed PWC report's findings.

40. The Delegation of Nigeria aligned itself with the statement made by Senegal on behalf of the African Group. The Delegation stated its belief that the Committee, as a WIPO governing body, was responsible for furnishing the Organization with policy guidance. The Delegation explained that it was not the Committee's place to engross itself in the specific mechanics of implementation, but that its duties required concern for general policy and

policy outcome only. Given that the proposed policy was a financial necessity; that it was voluntary; and, that the Organization had an appeals process to protect staff from management pressure, the Delegation felt that the Program should be noted.

41. The Delegation of Angola wished, prior to taking any decision, to know which posts would be eliminated program by program.

42. The Delegation of Tunisia, while considering that the initiative was an opportunity given to those WIPO staff who were interested, wished to hear the view of the staff representative, and expressed the hope that the voluntary separation program would be an opportunity for the Director General to continue the geographical rebalancing requested by numerous delegations.

43. The Delegation of Algeria requested clarification of the points raised by Senegal on behalf of the African Group, and also more precise information concerning paragraph 3 where it was mentioned that the General Assembly had requested the Audit Committee to ensure that the main recommendations made by Pricewaterhouse Coopers were implemented.

44. The Delegation of Brazil appreciated the work done by the Secretariat to align the Organization with its strategic realignment goals. The Delegation requested clarification and time to discuss several matters, however. It pointed out that the Program aimed to reduce personnel, but at the same time proposed to reduce skill gaps in certain sectors of the Organization. The Delegation requested specific information about areas from which the Organization needed to reduce staff, and which areas it viewed as requiring additional personnel. If there was a plan of the particular sectors from which the Organization hoped staff would separate, the Delegation requested that such plan be shared with the Committee. In its view, the PWC report fell far short of expectations as it did not take WIPO's Development Agenda into consideration. The report's findings on WIPO's staffing needs would have been altered had the Organization's development goals been taken into account. Before closing, the Delegation requested clarification of the meaning of "take note" in the proposal's decision paragraph.

45. The Delegation of Tanzania aligned itself with the statement made by Senegal on behalf of the African Group. The Delegation supported the Director General's sentiment that the Separation Program function as humanely as possible. Yet, the Delegation had concern because whether or not the Program was actually humane depended on the person who made that judgment. Accordingly, the Delegation requested further clarification to discern whether the Program would, in fact, be conducted humanely, and whether the Program intended to take into consideration geographical representation. The Delegation underlined the special need for LDC representation in the Organization.

46. The President of the WIPO Staff Council confirmed that WIPO management had fully involved the staff during its preparation of the Voluntary Separation Program. Further, the Staff Council had approved the Program, and it pledged its full support for the Program's implementation.

47. The Director General addressed the question posed to him by the Indian Delegation. He affirmed the Delegation of India's notion that the Program's origins were in the PWC desk-to-desk audit, as detailed in PWC's subsequent 2007 report. The Delegation of India was also correct that the Secretariat did not feel, at that time, that the report's empirical bases

were viable. Since the time of the report, however, the Organization's financial condition had changed. The Director General expressed his view that a staff reduction was no longer simply desired, but in fact an Organizational imperative. In concert with the Controller's calculations, the Director General estimated that a reduction of 84 staff members was necessary. The Organization still needed staff skilled in particular areas, however; the Delegation of Brazil was correct in that respect. The Director General explained that the Organization needed to renovate its skill base, but that these changes needed to occur in conjunction with staff member reductions. In response to the Delegation of Tanzania's question, the Director General said that it was the very essence of the voluntary scheme that ensured its humane implementation. The employees themselves would make the judgment about whether or not to exercise separation. Next, addressing the Delegation of Brazil, the Director General expressed concern because the Delegation seemed to misstate the separate authority of the Secretariat and the Member States. The Member States, he explained, had designated the Audit Committee as the organ responsible for working with the Secretariat to oversee its strategic realignment process. The Director General acknowledged that the mechanics of the Program were complicated, but he reiterated that the results would be accessible to Member States at every stage.

48. Responding to the Delegation of Egypt, which had asked for clarification on the Secretariat's request that the Committee "take note" of the Program, the Legal Counsel reminded delegates that the Secretariat was not asking for additional funds, in which case the Program would have required the approval of the Program and Budget Committee. Because the Program proposed to temporarily derogate from the WIPO Staff Regulations and Staff Rules, the Secretariat asked Member States to take note of that, which also meant that States were welcome to submit comments or suggestions with respect to the scheme's proposed implementation.

49. The Director General invited the Committee to recall that the previous Director General had initiated a similar voluntary separation program during his term in office. The previous program was not in response to a particular economic or financial circumstance, and it was not brought before the Committee for approval. Despite past practice, and in the interest of continued transparency, the Director General suggested that the Secretariat host an informal briefing to answer States' specific questions.

50. The Delegation of Egypt requested further clarification of the Legal Counsel's explanation of the legal meaning of the request that the Committee "take note" of the Program. It asked whether the Committee had actual authority to approve the measure; alternatively, the Delegation wondered if the Committee chose not to take note, whether the Organization could still implement the Program.

51. The Legal Counsel explained that the Secretariat would prefer that the Committee approve the measure. As to whether the Committee could stop the Organization from implementing the Program, the Legal Counsel responded in the affirmative.

52. Upon resumption of the meeting, the Legal Counsel noted that a question had been raised about whether this would be the Organization's only derogation from the Staff Rules. The Legal Counsel said that any derogation the Organization would make was laid out in the proposal before the Committee. Another question during informal sessions concerned the meaning of "voluntary" separation. The Legal Counsel expressed his belief that the thrust of this question was a misapprehension that the Organization could use the voluntary separation

as a means to dismiss staff. The Program was in fact voluntary, he said. It was entirely up to staff members to apply to partake in the Program's benefits.

53. The Acting Director of the Human Resources and Management Department ("HRMD") explained that the Organization needed to respond to two imperatives. On the one hand, WIPO needed to reduce staffing levels, and on the other, it needed to fill positions in areas of particular skill sets. Member States had asked whether reducing the number of short-term staff could solve the issue of overstaffing. HRMD responded that this was not a viable way forward. Important duties were currently being performed by short-term personnel, HRMD said, and one feature of the Program would be the potential for short-term staff to apply for positions left by long-term employees. During the informal session there had also been an exchange concerning whether or not staff taking advantage of the Program could later return to the Organization. HRMD noted that some organizations with similar programs had retained the option of re-employment, but only after a long "quarantine" period. For its part, WIPO had considered that option but ultimately decided that, since it was offering such a generous separation package, it would not be fair to others to accept such staff back. Another question raised, HRMD said, concerned the gender, nationality, and sector of staff who had thus far indicated interest in the Program. HRMD said that staff were reluctant at this stage to reveal their interest in a "theoretical" Program.

54. The Controller confirmed that there would be no additional cost for the budget and no automatic replacement of the amount devoted to the voluntary separation from service scheme, and also that the annual provision would continue to be made, as it had been thus far. The amount saved by those measures should be 13.9 million Swiss francs and the amount taken into account represented between 21 and 27 months' salary, and it was on that basis that the calculation of 30 million had been made, taking into consideration all grades in the Organization.

55. The Delegation of India requested clarification concerning the objective of the scheme. It expressed confusion over the stated purpose of the Program; whether it was inspired by the economic crisis, or whether it was based on WIPO's need for staff with different skill sets. The Delegation perceived a discrepancy in the Organization's simultaneous concern for the financial impact of the economic crisis, and yet comparatively strong commitment to new hiring. It believed that the prudence of hiring new people at all, in the course of an economic downturn, was contestable. In addition, the Delegation noted that it was interested in seeing any staffing plans the Organization might have; how many people it intended to hire and let go; and which sectors housed the staff with redundant skills. It expressed further concern that the staff that was likely to take advantage of the Program would be those possessing the most valuable, marketable skills. The Delegation then wondered what would happen if not enough staff applied for the Program voluntarily. It asked the Secretariat whether it had imagined any alternative courses of action and whether the Secretariat intended to implement another staff reduction the following year.

56. The Delegation of Angola, referring to the amount of 30 million Swiss francs, wished to know how the funds would be supplied and whether they came from the budget. The Delegation considered that it was important to allow the people who had benefited from the scheme to return to the Organization.

57. The Delegation of Pakistan noted its understanding that no one would be forced or asked to leave as a result of the Program's implementation. The Delegation requested clarification as to whether the Organization had determined that some positions were redundant, or whether it had determined that some persons were redundant. The Delegation then proposed that the Secretariat take a step-by-step approach to the Program. It suggested that the Organization first ascertain the degree of staff interest, and then determine from which of the Organization's sectors most of the interested staff were located. The Delegation suggested the Organization obtain more statistics prior to implementing the Program.

58. The Delegation of Germany put forth two points to the Secretariat, both dealing with the eligibility of staff to reenter the Organization after taking advantage of the Program. First, the Delegation proposed amending the latter part of Paragraph 21 of the document, to add language similar to the last sentence of Paragraph 17 of the same document. Second, with respect to the Program's funding, the Delegation suggested that the separation scheme be approved only on the condition that no additional funding was needed, and under the assumption that the Organization would not automatically refill the fund should the Program exhaust its resources.

59. The Delegation of South Africa asked what the Organization's plan was if people with redundant skills did not apply for the Program. The Delegation stated its belief that the incremental approach suggested by the Delegation of Pakistan was the best approach. It asked the Secretariat whether it had considered any alternatives to the separation scheme, including the possibility that those with redundant skills might be re-trained and placed in the positions where new skills were needed.

60. The Delegation of Egypt said that it generally agreed that the intricacies of staff programs should be left up to the Secretariat. The Delegation believed that this particular Program was raising so many questions and concerns because it implicated two different issues. The first issue the Program raised was the Secretariat's need to gain new skills, which related to the Organization's plan for strategic realignment. The second issue the Program raised was the vehicle through which the Organization would achieve strategic re-orientation, which related to the proposed voluntary separation scheme. The Delegation felt that most Member States' questions and concerns surrounded the first issue; the strategic re-orientation of the Organization's programs and personnel. The Delegation said that the Organization's inability to enumerate the skills it considered redundant was a fundamental flaw, as this information was crucial to States' understanding and endorsement of the direction of the Organization. Because it would be a vehicle for the Organization's re-orientation, the Delegation wondered about a role for the Audit Committee in overseeing the Program. The Audit Committee, it proposed, could examine each Program application to guarantee that it was submitted voluntarily, and that the Organization was not separating too many staff from one sector or geographic region. The Delegation stated its belief that this agenda item had stalled because of the Secretariat's lack of consultation with Member States during the Program's conception. It hoped that in the future the Secretariat would conduct its policy processes like it produced its nominees for Deputy and Assistant Directors General, in a transparent and consultative manner.

61. Addressing questions raised by the Delegation of India, the Director General drew the distinction between estimated growth in applications, and estimated growth in revenue. In the case of the PCT, he explained, the Organization found that more and more applications were being filed through electronic media. Given that electronic submission generated less revenue than paper submissions, the two variables (growth and revenue) were not always coincident. The PCT could receive more applications in total, but if it only received more electronic applications, its revenue would still fall. Nevertheless, he said, the Organization intended to continue its effort to diligently study the effects of the economic crisis on countries' PCT submissions. Concerning alternative courses of action, WIPO had considered outsourcing certain costs, the Director General said, but there were some costs that the Organization simply could not outsource. The Secretariat had already pursued cost-cutting measures that did not affect staff levels; he gave the example of WIPO's switching technology providers. Since staff was the Organization's largest expenditure, however, the Organization could not avoid addressing this substantial cost. One alternative to the Program was reliance on attrition, but this did not occur at a sufficient pace, the Director General said; alternatively, the Organization could leave posts vacant, but this was a measure the Organization already practiced; the last option he foresaw was non-renewal of contracts, but the Director General considered this measure less humane than voluntary separation. Addressing the Delegation of Pakistan, the Director General said he perceived that there were both redundant skills and redundant positions within the Organization. To enable people with redundant skills to move to different positions, the Organization did offer re-training. But, the Director General said, not every staff member was capable of moving to a job with a higher skill level, even after training. Concerning the Delegations of Germany and Angola, and their comments about employees' re-employment after taking part in the Program, the Director General explained that he did not think staff should be allowed to take advantage of the Program's generosity, and then come back to employment at a later time.

62. The Chairman suggested that the Committee delay its decision on the Voluntary Separation Program until the next day. He requested that the Secretariat and Group Coordinators work together to come up with a reasonable proposal for the program.

63. When discussions on that agenda item resumed, the Chair reported on the important issues raised by the Member States and the responses given by the Secretariat, at the informal session, regarding agenda item 4 on the proposal relating to a voluntary separation from service scheme, while noting that the delegations had expressed the wish to adopt the document with certain amendments.

64. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, welcomed the Voluntary Separation Program in principle, but highlighted several issues that the Organization still needed to address. Its questions and concerns were stated as follows: How did the Organization plan to ensure that only staff with redundant skills would leave? What skills did the Organization consider redundant? Had the Secretariat considered alternatives to the program? Had the Secretariat done any analysis or gathered any statistics about the staff interested in the program? It wondered what criteria the Organization would adopt in deciding whether to accept or reject applications, and it stated its belief that the permanent ban on staff re-employment needed to be revised.

65. The Delegation of Egypt pleaded that Member States need not recount the questions they had raised during the informal session. It did not intend to deny Members their right to state for the record their concerns, but the Delegation thought that the Committee's time

would be best spent moving forward.

66. Speaking on behalf of the African Group, the Delegation of Senegal requested that an addendum to the document be prepared, specifying the issues raised at the informal or formal meetings. The Delegation confirmed that the Group approved the voluntary separation from service scheme, while emphasizing the voluntary nature of separation from service which should be accompanied by measures guaranteeing its human dimension. The Delegation said that, as part of the replacement of compressed staff numbers, the Director General should give preference, in so far as possible, to African skills with a view to remedying the under-representation of Africa in the Secretariat and that the Audit Committee should be involved in the process of voluntary departure of staff and report on that matter.

67. The Director General, responding to the Delegation of Sri Lanka and the Asian Group's concerns, said that the rationale for the Program was the need to deal with the impact of the financial crisis. The economic downturn required the Organization to reduce its expenditures; he estimated that the Organization needed to reduce its expenditures by the equivalent of 84 personnel. Originally, the Director General explained, the separation program was proposed in the context of the PWC report, as a tool for WIPO improvement. More too, the PWC report had informed the Organization's strategic realignment agenda. Nevertheless, the Director General continued, the separation plan had moved from a suggested, desirable tool for organizational streamlining, as proposed in the report, to a method necessary to reduce staff levels for the coming biennium. Concerning the question about managing the Program so that staff with indispensable skills did not separate, the Director General reminded the Committee that the Program was not bestowing staff with a "right" to the separation terms. The Program gave staff the opportunity to apply for participation in the Program. The Director General said that acceptance of applications would be based on several criteria. The process was best understood, he thought, as the Secretariat's general consideration for whether that staff member's separation was in "the best interest of the Organization". More specifically, the Director General said that the Organization would also weigh the following: the skills and experience of the person concerned; that person's expected ordinary date of departure; the operational requirements of the unit to which that person belonged; how that unit would be affected by the staff member's departure; and finally, how that departure would affect the overall strategic objectives of the Organization. Given that the Program was voluntary, the Director General stressed that he had no way of supplying the Committee with detailed statistics about which employees would most likely apply, or from which divisions. The Organization had of course investigated, and in fact initiated, other cost containment schemes as well. The Director General directed the Committee to WIPO's website for in-depth information about its efforts in that respect; he listed the overhaul of travel arrangement procedures as one example of alternative cost-cutting measures being undertaken. Even despite these other methods, drastic reductions were still required. The Director General regretted it, he said, but WIPO needed to address the core 70 percent of its expenditures, which is staff.

68. The Chair informed the Committee that, following the informal session, certain delegations or groups had wished to make three amendments to the document under consideration. The Chair began by reading out the proposed amendment to paragraph 13 of that document, which would read as follows:

“Applications will be examined by the Human Resources Management Department and by the Department of Finance, Budget and Program Management, and analyzed by the Audit Committee prior to submission to the Director General [...]. The Audit Committee will report on its analysis to the General Assembly”.

69. Reacting to the proposal, the Delegation of Germany, speaking on behalf of Group B, stated that Group B was generally highly supportive of the thrust of the proposed Program. It had, however, several questions about the amended proposal, as put forth by the African Group. The Delegation wondered if the Audit Committee was the appropriate body to examine the applications of candidates for the Program. The Audit Committee, it explained, was endorsed by the General Assembly to oversee fundamental questions concerning the Organization. The amended proposal, it noted, tasked the Audit Committee with the specific obligation of examining each Program application. Group B’s inclination, the Delegation continued, was that it could not endorse the Audit Committee’s involvement in the Program, in such a particular capacity, as proposed. The Audit Committee’s purpose was monitoring of the Organization’s fundamental processes, not overseeing minute staff issues.

70. The Chair asked the Delegation of Germany to confirm that its Group was not opposed to that idea but the question arose as to whether the Audit Committee were really the body that could control that process.

71. The Delegation of Germany, responding to comments by the Chair, explained that, while Group B was not unequivocally opposed to the Audit Committee, its members had wide-ranging reservations about the Audit Committee’s involvement.

72. The Delegation of India stated that it supported the African Group’s amended proposal. The Delegation objected to Group B’s intonation that the amendment involved the Audit Committee in issues too small for its purposes. The Program stood to have wide-ranging implications for the Organization, the Delegation stated, and these processes required oversight. More too, it pointed out that the Audit Committee’s authority was nowhere reserved to overseeing only “big issues”. The Delegation urged flexibility on the part of Group B.

73. The Delegation of Nigeria expressed its strong support for the proposed amendment put forth by the African Group. Nevertheless, in consideration for the reservations expressed by Group B, the Delegation said that it could be amenable to changing the amendment’s language. The Delegation proposed that, perhaps instead of involving the Audit Committee prior to the acceptance or rejection of an application, the Audit Committee could review applications after the Organization processed them. The Audit Committee would then be reviewing the Program more at large, and not examining each application for its merits. The Audit Committee could then report its findings to the General Assembly. The Delegation pressed that the proposed alternative was in line with Group B’s concern, because the Audit Committee’s normative function was to examine conduct in bulk, after it had occurred.

74. The Delegation of the United States of America expressed its appreciation of the detailed comments and answers given by the Secretariat and the Director General which had been very helpful to the Committee. The Delegation requested to know what the standard practice was in the United Nations with respect to voluntary separation schemes, and which committees, or which groups of people, would be most appropriate to deal with these types of

questions. Referring to paragraph 13 of the working document, the Delegation said that there were specific groups identified in terms of reviewing these applications, namely, Human Resources Management Department, Department of Finance, Budget and Program Management before submitting to the Director General for review, and wondered if the UN Practice deviated from the proposal, in the sense that there would be other committees that would also look at these applications. Referring to the statement of the Indian Delegation on the issue whether the Audit Committee was in the best position of looking at this, the United States of America Delegation said that there had been a question for some Member States, regarding the personal nature of these applications as to whether the Audit Committee should be placed in that position of looking at very private applications based on staff members' determination of whether to go or not. That would be somewhat different than deciding the financial elements of a building or of broader type of potentially policy issues.

75. In response to the questions asked by the Delegation of the United States of America, the Director General said that the UN practice was to have an internal screening committee which was composed usually of appropriately placed policy level staff members such as a representative from Human Resource Management Department, Office of the Controller or a representative from the Office of the Director General. None of the other Organizations, to the Secretariat's knowledge, had any external review. The Director General stated that, of course, there was an external review in the publication of the annual report and the annual program evaluation report that the Member States look at but not a specific external review. Indeed, as mentioned already, the WIPO voluntary separation scheme had been submitted to the International Civil Service Commission (ICSC) which had reviewed it favorably. On the question of the Audit Committee, the Director General explained that the Audit Committee, in principle, looked at aggregate data. Taking the example of the Construction which was indeed one of the two terms of reference that were given to the Audit Committee, the other one being strategic realignment plan, he explained that the level of detail for review could be seen in the frequency of the meetings. The WIPO internal Construction Committee met once every two to three weeks, the working level Construction Committee, met almost daily and the Audit Committee, once every three months. Therefore, the Audit Committee did not usually review individual items, it might be reviewing what the Organization was doing with respect to the design of a particular floor in the construction building which was dealt with on the operational level.

76. The Delegation of Egypt said that it believed that the reason why the Audit Committee was introduced within the African Group, was that there was a concern about the fair justice element that would be rendered on to a very large number of staff. The Delegation thought that the introduction of an independent element in the review of applications would address part of these concerns, particularly, in view of the lack of sufficient information on this broader proposal. The Delegation emphasized that 84 employees was a substantive number of staff of this Organization and it said that it was therefore justified to engage the Audit Committee, as an element of evaluation, on this issue.

77. The Delegation of Denmark praised the Secretariat for the outlined text as well as for the answers provided during the meeting. The Delegation felt that the program as tabled was well figured and fully in line with similar programs within the Delegation's office and also seen in other different public organizations. It also stated that it felt that this program gave the Organization and the Management the necessary tools in order to adjust to the new situation which was due to the financial crisis and it had the view that Member States should support the new management of the Organization that Member States had just appointed and

give it the tool in order to adapt to new situations and undertake the tasks which had been placed in their hands.

78. The Delegation of Morocco explained that the aim of the idea to involve the Audit Committee was to guarantee the voluntary nature of the process, and if that were not the appropriate body, another one should be proposed to assist staff members in their actions, such as the Staff Association.

79. The Delegation of France supported the statement made by Germany on behalf of Group B, in particular on paragraph 13, and gave its full support to the separation from service scheme as initially presented by the Secretariat, and noted that the scheme had the support of the Staff Association. The Delegation thanked the African Group for its proposed amendment to paragraph 13 and, instead of that amendment, proposed a more general addition which would not refer to the Audit Committee, but rather a new paragraph, placed immediately after paragraph 13 or at the end of paragraph 25 and which would read: "The Secretariat will report to the Coordination Committee on the implementation of the early retirement scheme and the voluntary separation from service scheme".

80. The Delegation of the Republic of Korea thanked the Secretariat and the Director General for providing the Member States with detailed information on this program. The Delegation expressed its support for the strategic realignment program of WIPO, and emphasized the importance of having more experts in the Organization and reiterated its support for the voluntary separation scheme as it was presented. However, noting that the Director General had explained that the general practice in the UN system was to establish internal committees to review the applications, and in light of the Audit Committee's role in reviewing the operations of the Organization, the Delegation wondered whether the Secretariat had established such an internal committee that would decide on the individual voluntary separation requests, whose decision would later be reviewed by the Audit Committee.

81. The Delegation of Costa Rica thanked the Secretariat and the Director General for the work and information provided on this issue. It said that its Delegation fully endorsed the initial version of the proposal submitted to the Committee. It felt that the model was a good one as the Organization was facing several challenges. With respect to the new proposals before the Committee, the Delegation said that it had a couple of concerns. It concurred with what the Delegation of the United States of America had said on the privacy of applications, as it was an element that needed to be preserved, as this concerned persons and not just figures or skills. The files and applications needed to be dealt with appropriately. Secondly, the Delegation wondered what would happen in the case that the internal team responsible within the Secretariat approved an application and the Audit Committee rejected it. It requested explanations on what would be the exact procedure in this case.

82. The Delegation of South Africa said that in principle the Delegation had no objection to the adoption of the proposal of the voluntary separation scheme. It understood the reasoning the Director General had provided, however, the Delegations had questions and concerns which the document failed to address and pointed out that the Delegation had raised this in an informal setting. In this way, the Delegation had come to a compromise position in order to try and move this process along through the African Group to propose an addendum document which would address all these questions, comments and concerns so that it would be all laid out in writing on the table. It agreed that from its side it always respected the

privacy of individuals in this voluntary separation scheme and had no intention to open that up but wanted to make it clear that the process that was taking place was transparent and an open process for the Secretariat, staff members and Member States concerned. The Delegation expressed its support for the amendment to paragraph 13 as it stood as there had been long discussions on it and urged other delegations to refrain from proposing further changes to something the meeting had discussed and agreed upon. It hoped that everyone would approve this amendment so that it could be adopted to enable the meeting move on to the other items on the Agenda.

83. The Chair submitted to the Committee for consideration the amendment to paragraph 13 of the document, which consisted in adding the following sentence to the end of that paragraph:

“The implementation of the program will be analyzed by the Audit Committee which shall report on its analysis to the General Assembly”.

84. No objection was raised to that amendment.

85. The Chair then referred to paragraph 17 concerning the decision on re-employment of staff members. On that matter, the proposal consisted in adding, at the end of the paragraph, the following sentence:

“In exceptional cases, however, after a minimum period of five years beginning from the date of separation from service, the Director General may decide to re-employ any former staff member who has benefited from the early retirement scheme, if he considers that to be in the interest of the sound administration of the Organization. Such exceptional cases will be reported to the Coordination Committee”.

86. Referring to paragraph 21 of the document, the Chair proposed to amend it as follows:

“Staff members availing themselves of the benefits of the voluntary separation scheme will not be eligible for re-employment to the Organization under any type of employment contract such as that of consultant, special labor contract, Special Services Agreement (SSA) etc. In exceptional cases, however, after a minimum period of five years beginning from the date of separation from service, the Director General may decide to re-employ any former staff member availing himself of the voluntary separation from service agreement, where he considers that to be in the interest of the sound administration of the Organization. Such exceptional cases will be reported to the Coordination Committee”.

87. The Delegation of Germany, speaking on behalf of Group B, asked whether it was prudent for staff to be re-employed, when they had voluntarily entered a separation program. The Group did not see the point of a re-employment provision when staff would be fully informed of the consequences of accepting such a package. Within Group B, the Delegation explained, there was a broad spectrum of reactions to the proposed re-employment provision; some members rejected it outright, while others were more flexible. Every Member of the Group did agree, however, that some safeguards needed to be put in place to prevent the abuse of such a provision. The Delegation said that it saw two fundamental issues; one was the question of how long a staff member must wait before possible re-employment, and the other was on what grounds the Organization would judge re-entry. In response to the five

years proposed by the African Group, the Delegation said that Group B did not find this time period acceptable. A five-year waiting period was not a sufficient disincentive from abuse of the system. In imagining creative solutions for the Committee's agreement, the Delegation suggested that perhaps the Coordination Committee could have a role in approving staff members' re-employment. Alternatively, the Delegation asked the Committee to consider a provision making re-employment dependant on repayment of a percentage of the Program's benefits.

88. The Delegation of Angola supported the proposal put forward by the Chair and agreed to replace the period of five years with one of seven years.

89. The Delegation of India thanked the Secretariat for taking on the interventions made by the Delegations, and it said that it welcomed the amendment proposed by the African Group. The Delegation understood, it stated, that re-entry clauses were provided in most UN organizations' separation packages, in the range of three and five years. In this respect, a complete lack of employment renewal options was not acceptable to the Delegation. It believed that the re-employment provision was sufficiently diluted, as it already contained strong language stating that it would only occur in exceptional cases. If a candidate for re-employment could meet the stringent exception requirements, it was not the Committee's place to bar the Secretariat from considering such an exceptional person. The Delegation continued explaining that former employees were necessarily more familiar with the workings and issues of the Organization. The Delegation believed that the language of Paragraph 21 already made clear that, under normal circumstances, the Organization would not welcome back staff who had taken advantage of the Program. Concerning Group B's request for criteria to be used in staffs' re-entry, the Delegation responded that such concern was ironic given that the Committee had yet to hear criteria for separation. On the issue of disincentive, the Delegation believed that the five-year period proposed in the amendment was sufficient disincentive, however, it said that it would consider a slightly more extended term.

90. The Delegation of Nigeria dismissed Group B's suggestion that the Coordination Committee could review staff member applications for re-employment. The Committee could not convene for such purposes, as it was not within its authority to make precise staffing decisions. The thrust of Paragraph 21, it said, was that no one would be re-admitted to the Organization. Nevertheless, the Delegation stated, if a candidate for re-employment was exceptional and might contribute a lot to the Organization, the Committee should not take away the Director General's discretion to decide on such matters.

91. The Delegation of France said that it would have preferred that such a clause not be introduced into the text, as the logic of the voluntary separation scheme was such that there was no return. However, it submitted the following proposal:

“In very exceptional and limited cases, however, after a minimum period of ten years beginning from the date of separation from service, the Director General may decide to re-employ any former staff member availing himself of the early retirement scheme, where he considers that to be in the interest of sound administration of the Organization. Such exceptional cases will be submitted for approval to the Coordination Committee”.

92. The Chair emphasized that the fact that exceptional cases would have to be submitted for approval to the Coordination Committee could cause problems since it was not the Committee's responsibility to enter into the details of WIPO recruitment.

93. The Delegation of India thanked the Delegation of France for its constructive suggestion. Looking at the wording, however, the Delegation could not support the change. Adding the qualifying adverb "very" before the proposed "exceptional" begged the meaning of Paragraph 21, which already relayed the point that re-employment with the Organization would be exceptional and extraordinary. Addressing the proposed alternatives, the Delegation wondered how Group B could be concerned about involvement of the Audit Committee and the sharing of staffs' personal details, but not concerned about involving and sharing such information with a larger, less private body like the Coordination Committee. The Delegation reiterated its preference for retaining the five-year waiting period, as proposed by the African Group.

94. The Delegation of Angola said that there was no point in adding the word "very" before "exceptional" and considered that in relation to the duration, a compromise would have to be found.

95. The Delegation of Nigeria, referring to Group B's proposed alternatives, stated its view that the Committee was impinging on the authority and powers of the Director General. If the Committee approved the Program policy, and thus allowed the Director General to decide which staff could separate, it could not then restrict his ability to decide who to hire by making such contingent on the Coordination Committee's approval. The Delegation pleaded that the Committee respect the Director General's power to manage the Secretariat's resources and staff, and requested that it concern itself only with Organizational policy. Returning to the question of whether the African Group's proposal should be amended, the Delegation stated that its belief was that "exceptional" was sufficient language, conveying "rarity" and "extraordinary" on its own, without additional qualifiers.

96. The Delegation of South Africa expressed its support for the text of the amended Program proposal. It thanked the Delegations of Angola, India, and Nigeria for making several good points in respect of the text. Addressing the concerns of Group B, as well as that of the Delegation of Costa Rica, the Delegation wished to highlight that the period of separation before a person could be considered for re-employment was a minimum time frame. Further, the Delegation reiterated the sentiment of the African Group, reminding the Committee that re-employment would be the exception, and thus highly unlikely to occur. In addition, as the Organization would only consider rehiring staff that were exceptional, it was not likely, the Delegation pressed, that such extraordinary people would also be out to loot the Organization. In its view, it was therefore not necessary to go into any more detail, and the Delegation requested that the Committee adopt the proposal as it was.

97. The Delegation of Germany thanked the Chair and colleagues for all enlightening comments and wished to indicate some comments from their own national perspective as a response to what they heard rather than a Group B position, although Germany indicated that, the sentiment, which is conveyed is also believed to be shared by a considerable number of Group B colleagues. On the issue of whether or not there was a UN practice in this respect, the Secretariat had this morning stated that there was no such common UN practice and the Delegation had heard that there were regimes of that sort which provide for 3, 5, 10, or a couple of years and that there is the practice of having no re-entry at all. On the issue of cost

benefit analysis that the Delegation of India mentioned, the Delegation of Germany was not aware of such a provision which was about to be introduced or of a cost benefit analysis that had been carried out, but was prepared to stand corrected on that point. The Delegation of Germany acknowledged that it was not likely that such a provision would ever be needed. If that was indeed the case, then it wondered why a provision for re-employment was needed at all. The Delegation of Germany raised the point on phrasing whether it should be “exceptional” or “very exceptional”, and it was of the view that the word “exceptional” gave adequate direction. The Delegation fully supported the proposal made by the Delegation of France on the idea of submitting the cases to the Coordination Committee and seeking their approval. Practically this could be done as a number of delegations such as the Delegations of India and South Africa had stated that the number of cases would likely be none or very few cases, if at all. If the number of cases involved would likely only be one a year then this could be dealt with through the Coordination Committee. Finally concerning the required minimum of separation years before re-employment, the Delegation of Germany supported the Delegation of France’s proposal of a minimal period of ten years. It was unclear how the proposed five-year period came to fruition. If the Committee agreed on a number of years less than ten, the Delegation asserted that the Committee then should reconsider Group B’s proposal for staffs’ partial-repayment of separation benefits.

98. The Delegation of the Republic of Korea thanked the Chairman and was not sure which suggestion would be an appropriate period for this banning of reemployment but it would consider the rationale for banning such staff from re-employment. The Delegation was of the view that the decision on the banning period should be made in proportion to those benefits received.

99. The Delegation of Morocco emphasized the fact that the reintegration of a staff member should normally be to WIPO’s benefit, for which reason stringent conditions were imposed, which should be examined by the Director General and he alone. The Delegation explained that the period of ten years seemed excessive and that it was in favor of a period of seven years.

100. The Delegation of Costa Rica was aware that an agreement needed to be reached but did not share the view of the situation. For the Delegation, the extreme points raised were zero to ten years, meaning the documents dating from May 29 where there was no permission for reemployment, and the document circulated earlier, requesting a five-year timeline. In light of this scenario, the Delegation of Costa Rica requested flexibility and understanding in that the ten-year timeline was a show of flexibility, as the original document did not provide for that possibility at all.

101. The Delegation of India thanked the Chairman and stated that it had been following the interventions made by the distinguished Delegations of Germany, France and Costa Rica but was still unclear about the basis of their objections. The Delegation mentioned that the Secretariat had stated very clearly that this was essentially a cost-cutting exercise and the primary aim was not restructuring under the Strategic Realignment goals. Therefore, if the argument was that the Administration was getting rid of people whose skills were no longer required, this was incorrect. The objective was to cut costs and reduce the Organization’s headcount. It was not acknowledged, an implicit or explicit fact that the people whose skills were redundant were going to leave, although that was the endeavor. The Delegation of India was of the view that it would be unfair to say that a person who had left today voluntarily for personal or whatever reasons who may have skills still relevant to the Organization in

exceptional cases could not be re-employed in exceptional cases. The Delegation thought that this was a very small window being left open for such people and, as the Delegation of Morocco pointed out, the Organization's interests were rightly the starting point of any decision. It said that the Director General should decide if the skills of a staff member were relevant to the work of the Organization. The Delegation's last point on the subject of rehiring, addressed the proposal that the decision come before the Coordination Committee. It wished to point out an anomaly to the Chairman. As separations had not been subjected in the first instance to the Coordination Committee, it was difficult for the Delegation to accept this conditionality as a part of re-entry. The Delegation suggested consultation with the WIPO Staff Council on the proposed change from five to seven years.

102. In order to find a compromise, the Delegation of France proposed eight years as a minimum period before possible re-employment.

103. The Delegation of India reiterated its preference for the five-year term and its wish to consult the WIPO Staff Council on the matter.

104. At the invitation of the Chair, the WIPO Staff Council Chair raised the following clarifications: that the operation was exceptional in the sense of what "exceptional" meant, from the legal point of view, that the Council had trust in the senior management of this Organization, and that the Director General would decide, on an exceptional basis, for the organizational needs of WIPO. He supported strongly the period of five years, trusting the Director General would limit it to exceptional cases when a staff member should be re-employed for the benefit of the Organization, as such.

105. The Delegation of Costa Rica stated that the document, as originally proposed, clearly expressed the prohibition on re-employment.

106. The Chair invited the Committee to express an opinion on paragraphs 17 and 21 as amended, replacing the period of five years with one of seven years.

107. The Delegation of India accepted, in the spirit of compromise, the proposal of moving from five to seven years.

108. Upon request by the Chair to the Staff Council, the WIPO Staff Council expressed the need to consult staff on the proposed seven, rather than five-year period, as it had no power to decide on such a matter unilaterally.

109. The Chair concluded that paragraphs 17 and 21 were amended and that the period of seven years had been chosen by the Committee.

110. Referring to paragraph 25 of the document, the Chair invited the Committee to pass an opinion on the following proposed amendment:

"The Coordination Committee is invited to approve the proposal of the Director General temporarily to waive the relevant provisions of Chapter IX of the WIPO Staff Regulations and Staff Rules relating to separation from service, so as to implement the paragraph on voluntary separation from service, contained in paragraphs 1 to 24 above. The Coordination Committee is also invited to note the fact that the corresponding measures will be financed by means of the existing provision established for separation

from service and medical benefits after separation from service for a maximum amount of 30 million Swiss francs.

“The Coordination Committee requests the Secretariat to produce and submit to it, at its September 2009 session, an addendum to document WO/CC/61/3, summarizing the responses to the questions raised by the Member States at the informal consultation meetings”.

111. The Delegation of South Africa said that it would like the program to have a definite time period, after which the Organization could no longer derogate from the rules; it suggested adding “temporary derogation until June 30, 2010” to the language of the amended proposal. The Delegation also requested comments from the Staff Council giving its opinion of the voluntary scheme. In closing, the Delegation reiterated the request that the Secretariat furnish the Committee with an addendum, containing a summary of the Committee’s questions, the Secretariat’s answers to those questions, and the Staff Council’s comments on the Program as soon as possible after the meeting’s close, before the end of the month.

112. The Delegation of Egypt agreed with the amendments and the proposal suggested by the Delegation of South Africa. It suggested that the Coordination Committee retain the program on its agenda for its future meetings until the end of the derogation period in June 2010. The Delegation wished to stay fully apprised of the Program’s developments. It requested that the document provided by the Secretariat, in answer to the Committee, come in the form of an official addendum.

113. The Acting Director of HRMD informed the Committee that its suggested deadline for receipt of the addendum document, considering the time it would take for the Secretariat to compile the Committee’s questions, prepare answers, and gather the Staff Council’s comments was not realistic; a document of that magnitude could not be ready by the end of June 2009.

114. The Delegation of Brazil stated its support for the language proposed by the Delegation of South Africa, defining the end of the term for the Organization’s derogation from the Staff Rules. In addition, it supported the Delegation of Egypt’s request that the Committee receive an official addendum document in answer to its questions. The Delegation suggested that language be added after the Program’s decision paragraph requiring the Secretariat to produce and submit such addendum. Ideally, it said, the addendum would include, among other things, detailed responses to the Committee’s questions and concerns raised throughout the course of the meeting, and an explanation of the criteria the Secretariat would consider in accepting or rejecting staffs’ separation applications. In closing, the Delegation echoed the Delegation of Egypt’s suggestion, requesting that the item remain on the Coordination Committee’s agenda until the end of the derogation period.

115. The Chair emphasized that there had been no opposition to the wording of the paragraphs and that it had been proposed to replace the word temporarily with a fixed date and more information on the document had been requested.

116. The Delegation of Nigeria stated that it would support the Delegation of South Africa’s proposed amendment to add an end-date to the period of the Organization’s temporary derogation. It would not support, it said, any addition or amendment that bound the Organization to consider geographical distribution in accepting or rejecting applications.

Staff separation should not be contingent on applicants' geographical origin, but on the overall needs of the Organization.

117. The Delegation of Switzerland emphasized that that was a decision-making paragraph and that it did not see the interest in beginning to reintroduce the elements discussed at the informal sessions. The Delegation of Switzerland considered that the most important thing at that stage was to include the preparation of an addendum to the document and for the item to remain on the agenda of the Coordination Committee.

118. The Delegation of Australia, speaking on behalf of Group B, proposed a textual amendment to the African Group's proposal. It did not feel that an addendum containing questions and answers from the Secretariat would be useful to Member States, and it did not think that the Committee would need to adopt such a document. Accordingly, the Delegation suggested that the Committee change the second paragraph to read that it requested the Secretariat to "produce" an addendum for the Committee; it viewed this language as less exacting than the existing language, which requested the Secretariat to "submit" an addendum to the Committee.

119. The Delegation of Algeria endorsed the statements made by the Delegations of South Africa, Egypt, Brazil and Angola, and was in favor of retaining the item on the agenda until the end of the waiver period. As regards the last paragraph proposed, the Delegation proposed that the expression "at informal consultation meetings" be deleted.

120. The Delegation of India voiced its support for the amendments proposed by the Delegations of South Africa, Brazil, Egypt, Angola, and Algeria. The Delegation supported these amendments with the understanding that the Secretariat produced no formal report of Coordination Committee meetings. The Delegation believed that the addendum would provide a record of the queries raised by the Committee. A formal addendum was needed, it said, to document Member States' concerns, as such deserved further reflection in the Committee's future sessions.

121. The Delegation of Egypt explained its request for the production and circulation of addendum materials as soon as possible, because such information was pertinent to Member States' preparation for the upcoming Program and Budget Committee ("PBC") meeting. As the Program stood to affect a major change in the Organization's staffing and composition, the Delegation expected that such information could inform Member State positions in the PBC. As noted by the Director General several times, staffing was the Organization's primary expenditure. Since the Program aimed to eliminate 84 staff members, detailed information about the status of staff separation was relevant to PBC meetings to the extent that they dealt with WIPO's budget. If not possible by the end of June, the Delegation suggested that perhaps the Secretariat could circulate the addendum by the first week of July. The Delegation also clarified that it was requesting that the document contain not only those questions raised during the Committee's informal sessions, but also the inquiries raised by Members during plenary.

122. The Delegation of South Africa wished to clarify why it had requested to know the criteria by which the Secretariat would consider applications for separation. First, the Delegation asserted that Member States had raised the issue several times, without response from the Secretariat. The Delegation was not asking for information about who would apply to the Program, but for information about whose Program applications the Organization

would accept. The Delegation wished for elucidation from the Secretariat about what criteria HRMD would be examining staffs' separation applications for, or against.

123. The Delegation of Brazil supported amending the proposal to include an end-date for the Organization's derogation from the Staff Rules. In reference to the other proposed amendment, the Delegation requested language asking "detailed responses" to the questions and concerns raised by Member States, as opposed to a "summary" of the information requested. The Delegation also expressed support for keeping the issue on the Coordination Committee's agenda until the end of the derogation period.

124. The Acting Director of HRMD stated that the change to add "June 30, 2010" to the proposal was fully acceptable. As for the timing of production of the addendum, HRMD stated its belief that the PBC's next session was in the second half of July 2009. If that was the case, HRMD underlined that it would be possible to have the addendum prepared around the middle of July.

125. The Delegation of Australia requested affirmation that there was no opposition to Group B's suggested amendment. It reminded the Committee of its proposed alteration to the second paragraph, changing the language so that the addendum would not be "submitted to" but "produced for" the Committee.

126. The Delegation of Egypt agreed in principle to the amended Program. It told the Secretariat, however, that it would like to see the newly amended version of the Program's text in full, before the Committee delivered its final approval for the agenda item. The Delegation of Egypt requested clarification from the Legal Counsel concerning the Delegation of Australia's amendment and the difference between "producing" something for the committee, versus "submitting" something to the committee. It asked specifically, whether the terminology was legally relevant.

127. The Legal Counsel stated his belief that submitting a document to the Coordination Committee was very similar to producing a document for the Coordination Committee. The Legal Counsel allowed that there might be a sense in which "producing" implied that the Coordination Committee could use the document to whatever end it wished. Alternatively, "submitting" a document could be read as the more formal term, indicating that the Secretariat officially reported the document to the Coordination Committee. Despite the terms' arguably different connotations, the Legal Counsel surmised that there was little legal difference between the two, and that maybe this was an example of what some cryptically referred to as "a distinction without a difference".

128. The Delegation of Brazil intended to ask the same question as the Delegation of Egypt. As the Legal Counsel had confirmed that the language of Group B's amendment was not legally significant, however, the Delegation requested that Group B explain the objective of its proposal.

129. The Delegation of France explained that the proposed amendment was designed to ensure that the document would be supplied to the Coordination Committee for information purposes and not with a view to its approval.

130. The Legal Counsel addressed the concern expressed by several Delegations requesting a hard copy of the text before the Committee proceeded to adoption. The Legal Counsel drew

the attention of the Committee to Agenda item 7 “Summary of the Report of the session” and informed the Committee that the Secretariat would prepare a document containing all the proposals tabled, including the decision paragraph 25, for adoption by the Committee, in a few minutes’ time. The full draft report would be sent to Coordinators and Member States who would have one month to submit their comments, after which the report would be considered adopted.

131. The Delegation of Switzerland emphasized that the voluntary separation from service scheme, as it had been proposed at the beginning, would have been more acceptable, but that in view of the compromise, the Delegation had allowed certain amendments to be made to it. It currently hoped that the paragraph would be adopted, simply by adding the addendum to the document but without further complicating the procedure.

132. The Delegation of Egypt agreed with the Legal Counsel’s proposal on how to proceed. With regard to Group B’s proposed amendment, the Delegation accepted that too, with the understanding that the addendum would serve as an official report from the Secretariat to the Committee. The Delegation reiterated that it would prefer if the information documents were circulated prior to the PBC, and if such documentation included the views of the Staff Council.

133. The Delegation of India supported the comments made by the Delegation of Egypt with respect to the proposed Program’s financial impact and thus the importance of having such information prepared prior to the PBC meeting.

134. The Delegation of Switzerland expressed its reluctance to such a mechanism, and emphasized that it did not wish to block a Committee decision.

135. After extensive deliberations, the Coordination Committee adopted the proposals as contained in document WO/CC/61/3 with amendments which resulted in the following decisions:

(i) The Committee approved the Director General’s proposal to derogate temporarily until June 30, 2010, from the relevant provisions in Chapter IX of the WIPO Staff Regulations and Staff Rules on separation from service, for the purpose of implementing a voluntary separation program as described in Paragraphs 1 to 24 of document WO/CC/61/3;

(ii) The Committee took note of the fact that the financing of these measures would be charged to the existing provision for separation from service and medical benefits following separation from service, up to a maximum amount of 30 million Swiss francs;

(iii) The Coordination Committee requested the Secretariat to produce for the Committee in its September 2009 session, an addendum to document WO/CC/61/3, providing detailed responses to the questions and concerns raised by Member States. The document should be circulated before the next meeting of the Program and Budget Committee. The Staff Council was also invited to submit its comments in writing on the voluntary separation scheme before the September 2009 Session of the Coordination Committee. The voluntary separation scheme should remain a standing item on the

Coordination Committee's agenda, until the end of the derogation period;

(iv) The Coordination Committee decided to amend paragraph 13 of document WO/CC/61/3 to read as follows: "Applications will be examined by the Human Resources Management Department and the Finance Department, Budget and Program Management, prior to submission to the Director General. The Director General will have final discretion to approve or reject applications based on the interests of the Organization, as determined in the light of operational needs, the findings of the Strategic Realignment review process, and the calculation of cost savings in each case. The implementation of this program will be reviewed by the Audit Committee, which will report on its review to the General Assembly";

(v) The Coordination Committee also decided to amend paragraph 17 of document WO/CC/61/3 to read, as follows: "In exceptional cases, however, after a minimum period of seven years from the date of separation, the Director General may decide to re-employ a former staff member who had separated under the Pre-retirement scheme, if he judges that such action is in the interests of the good administration of the Organization. Any such exceptional cases will be reported to the Coordination Committee"; and

(vi) The Coordination Committee further amended paragraph 21 of document WO/CC/61/3 by adding at the end the following words: "including Consultancy contract, Special Labor contract, Special Service Agreement, or the like. In exceptional cases, however, after a minimum period of seven years from the date of separation, the Director General may decide to re-employ a former staff member who had separated under the voluntary separation scheme, if he judges that such action is in the interests of the good administration of the Organization. Any such exceptional cases will be reported to the Coordination Committee".

Item 5 of the Agenda: Financial Disclosure/Declaration of Interest

136. Discussions were based on document WO/CC/61/4.

137. The Legal Counsel asked the Committee to recall its amendment of Staff Regulation 1.6, some two years ago, which addressed staff conduct outside of the international bureau. The amendment authorized the Director General to establish necessary procedures for filing staff financial disclosures. In determining the proposed procedures, the Secretariat had conducted a survey of 19 other UN-based organizations. The Organization proposed an incremental approach, with the first phase requiring staff to produce a declaration of interest form. The second phase, the Legal Counsel explained, would involve a more comprehensive disclosure form, based on results from the first phase. The Legal Counsel also informed the Committee of a letter received from the Audit Committee, containing comments on its view of the proposed disclosure scheme. The Legal Counsel explained that the Audit Committee's comments had been received late on Friday, and thus could not be translated and provided to Member States prior to the Committee's Monday meeting. Member States would receive the Audit Committee's comments promptly after the Committee's meeting, however, and the Audit Committee's comments would be taken into account during implementation as well as the second phase of financial disclosure.

138. The Delegation of Angola approved the implementation of a financial disclosure and declaration of interests form, along the lines of those used by other United Nations organizations.

139. The Delegation of the Netherlands welcomed the proposed financial disclosure program, as it would contribute to accountability and good governance in WIPO. While it urged implementation of the declaration of interest form, the Delegation noted that the proposed program required declaration of interest only from staff members at D1 and above, and from those in positions with inherent functional risk. The Delegation recommended that the Organization implement the JIU's recommendation and require financial disclosure from all staff at D1 and above, as well as for all procurement, treasury, and relevant professional oversight staff.

140. The Delegation of Canada stated that accountability was a key priority of its domestic legislation. It stated its expectation that WIPO have strong, independent oversight mechanisms, accountability, and human resource practices that were based on merit. In this respect, it expected and supported exacting financial disclosure and interest declaration requirements in WIPO. The Delegation took note of the Organization's incremental approach and urged the Secretariat to implement the program expeditiously

141. The Delegation of the United States of America was pleased with the steps WIPO had taken to implement a financial disclosure program. It stated its hope that WIPO would have scrupulous financial disclosure requirements consistent with that of the UN. The UN standard, it explained, required disclosure from all senior officials D1 or equivalent and above, and from all staff with fiduciary or procurement responsibilities. The Delegation noted that WIPO's close proximity to the private sector necessitated an especially scrupulous program, particularly one capable of identifying conflicts of interest early on. To ensure the credibility of its program, the Delegation suggested that the Secretariat consider establishing an ethics office to answer staff questions, review disclosures, and identify conflicts of interest. The Delegation explained that the ideal ethics officer would have the authority to curtail potentially conflicting conduct and the ability to initiate remedial action. Lastly, the Delegation noted that staff should receive training on the financial disclosures required

142. The Delegation of Senegal, wishing to reiterate the position of the African Group, which was aimed at the strengthening of governance and the presentation of accounts to the Secretariat, considered that the commitment to take into account, during the second phase, the comments made by the Audit Committee could certainly strengthen the effectiveness of the mechanism. The African Group hoped that, as part of this mechanism, the device introduced would comply with the United Nations Code of Staff Ethics.

143. The Delegation of Brazil welcomed the proposed disclosure program. It explained that it would give general support to any initiative that strengthened accountability and good governance within the Secretariat. The Delegation noted that it would also welcome a code of ethics similar to the one adopted by the UN General Assembly.

144. The Delegation of India welcomed the proposal to mandate financial disclosure in WIPO. The Delegation viewed the program as a constructive first step in strengthening the Organization's transparency and accountability. It expressed its understanding that this program was just the first in a more comprehensive financial disclosure scheme, similar to the one implemented in the UN.

145. The Legal Counsel assured the Coordination Committee that the Organization would take full account of Member States' constructive comments.

146. The Coordination Committee approved the proposal contained in paragraph 17 of document WO/CC61/4 and took note of the contents of the said document.

Item 6 of the Agenda: Designation of the Chair of the WIPO Appeal Board

147. Discussion was based on document WO/CC/61/5.

148. Introducing the item, the Legal Counsel explained that the WIPO Staff Regulations required that the Committee approve the Chair for the WIPO Appeal Board. The former Chair having resigned, the Secretariat proposed that the Committee designate the ad hoc Chair, Mr. Dominick Devlin, as the Chair of the Appeal Board. The Staff Council, which had been consulted informally, was in favor of the proposed designation.

- 149. The Coordination Committee designated Mr. Dominick Devlin as the Chair of the WIPO Appeal Board.

150. The Legal Counsel confirmed to the Committee that the Organization would commence work on its final report, and that Member States would have one month from receipt of the draft report to submit their comments or respective statements. After inclusion of the said comments, it would be considered adopted and posted on WIPO's website.

151. The Delegation of Egypt thanked the Chair for his leadership and efforts to guide the Committee to consensus.

[Annex follows]