

WIPO Coordination Committee

Seventy-Second (26th Extraordinary) Session Geneva, September 12, 2016

REPORT

adopted by the Coordination Committee

ITEM 1: OPENING OF THE SESSION

1. The meeting was opened and presided over by the Chair of the WIPO Coordination Committee, Ambassador François Xavier Ngarambé (Rwanda).
2. The following Member States of the WIPO Coordination Committee were represented at the meeting:

Algeria, Argentina, Australia, Azerbaijan, Bahamas, Bangladesh, Brazil, Canada, China, Colombia, Congo, Côte d'Ivoire, Cuba, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia (*ad hoc*), Finland, France, Germany, Guatemala, Hungary, India, Indonesia, Iran (Islamic republic of), Ireland, Italy, Japan, Kazakhstan, Latvia, Luxembourg, Malaysia, Mexico, Mongolia, Myanmar (*ad hoc*), Namibia, Netherlands, Nigeria, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Singapore, South Africa, Switzerland (*ex officio*), Turkey, United Kingdom, United Republic of Tanzania and United States of America (58).
3. The following States were represented in an observer capacity:

Chile, Greece, Israel, Lithuania, Monaco, Philippines, Slovakia, Slovenia, Tajikistan and Ukraine (10).
4. The list of participants appears in the Annex to the present report.
5. The Secretariat wished delegations a happy Eid-al-Adha and regretted that the present session of the Coordination Committee coincided with the celebration of Eid-al-Adha. The

Secretariat assured delegations that it would do its level best to ensure that this did not recur in the future.

6. The Chair wished all Muslim brothers and sisters a happy Eid-al-Adha.

ITEM 2: ADOPTION OF THE AGENDA

7. Discussions were based on document WO/CC/72/1 Prov.2.

8. The WIPO Coordination Committee adopted its agenda as proposed in document WO/CC/72/1 Prov.2.

ITEM 3: APPOINTMENT OF DEPUTY DIRECTOR GENERAL, COPYRIGHT AND CREATIVE INDUSTRIES SECTOR

9. Discussions were based on document WO/CC/72/2.

10. The Chair invited the Director General to introduce the document.

11. The Director General thanked the Chair and put forward the nomination of Ms. Sylvie Forbin, for the post of Deputy Director General for the Copyright and Creative Industries Sector. The nomination followed an intensive process, which began with a call for applications in December 2015 and which yielded 301 applications following that call. He paid tribute to all Member States for their engagement and their commitment to this process and mentioned that extremely high quality and exceptional applications had been received, which made the choice of a nominee extremely difficult. The Director General stated that the nominee, in the person of Ms. Sylvie Forbin, was well chosen as she demonstrated diverse, relevant, rich and exceptional experience, covering both the public and private sectors. He added that she had experience in national diplomacy, in an intergovernmental body and significant experience in a large media and communications company that also worked in the production and distribution of cultural works. Furthermore, the Director General mentioned that Ms. Forbin was a polyglot who spoke four languages, namely French, English, Chinese and Japanese. The Director General then submitted the nomination of Ms. Sylvie Forbin, as Deputy Director General for the Copyright and Creative Industries Sector, for approval by the Committee.

12. The Chair thanked the Director General and opened the floor to delegations for their comments. The Chair noted that there was no delegation requesting the floor and concluded that there was no objection to the proposal by the Director General, on the basis of which the appointment was decided.

13. The WIPO Coordination Committee approved the appointment of Ms. Sylvie Forbin as Deputy Director General for the period indicated in paragraph 12 of document WO/CC/72/2.

ITEM 4: REVIEW OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES (OIOS) REPORT

14. Discussions were based on document WO/CC/72/3.

15. Introducing the agenda item, the Chair made the following preliminary remarks. Following receipt on March 15, 2016, of the final investigation report of the Office of Internal Oversight Services (OIOS) in the case titled "Abuse of Authority and Procurement Irregularities Implicating a Staff Member of WIPO" (ID case number 0164/15), acting in accordance with the WIPO

Internal Oversight Charter, especially paragraph 32 which stipulates that the “final investigation reports concerning the Director General shall be submitted to the Chairs of the General Assembly and the Coordination Committee for any action deemed appropriate,” and informed by technical advice and experts, especially the WIPO Independent Advisory Oversight Committee (IAOC) and the WIPO Legal Counsel, informed also by the views of regularly consulted representative Member States, the Chair of the General Assembly and the Chair of the Coordination Committee, acting jointly, made a review of the report with a view to making a final decision and recommendations where deemed appropriate. A full report with such decisions and recommendations was submitted to all Member States for information. The Chair said that Member States would be kept informed of all relevant progress regarding the implementation of those decisions and recommendations. The Chair reported that, as of that moment, the redaction of the report was underway and in its final stage. A full redacted version would be submitted to each Member State during the course of that week. The Chair said he had been informed that the Director General had started due implementation of the recommendation to assess the application of alternative procedures when making an exception to financial and procurement rules. He urged the Director General to expedite the process and to keep Member States informed of all findings, decisions, measures and recommendations made in that regard. The Chair passed the floor to the representative or representatives of the group of Member States which had requested the inclusion of this item on the agenda.

16. The Delegation of the United States of America, took the floor on behalf of the delegations of Algeria, the Czech Republic, Estonia, Germany, the Netherlands, Nigeria, Pakistan, Panama, Sweden, Uganda and the United States of America, in addition to the non-Coordination Committee delegations of Albania and Fiji, and requested that their statement be reflected verbatim in the meeting record. The group stated that they had undertaken a preliminary reading under controlled conditions of the OIOS Independent and Credible Report titled “Abuse of Authority and Procurement Irregularities Implicating a Staff Member of the World Intellectual Property Organization” (ID case number 0164/15). The group wished to emphasize their concern that Member States did not yet have a copy of the report. The report had been requested by Member States and should be available to Member States. The group reiterated their request that the Coordination Committee Chair immediately formally request that OIOS produce a full version of the OIOS report, redacted only to protect witness confidentiality, and to provide this to Member States no later than September 26, 2016, one week before the General Assemblies. The group stated that this was imperative for organizational transparency and Member State oversight. Any further delays in releasing the report would be unacceptable. The group noted their concerns with the findings and conclusions contained in the OIOS report. They highlighted the importance their governments attached to leaders of organizations abiding by their organization’s staff rules and regulations, and noted that the Director General of WIPO or the executive head of any United Nations body was expected to model the highest standards of conduct and integrity for an international civil servant. The group trusted that the Director General would do so, taking into account the findings and conclusions of the OIOS report, and work toward improving the performance and reputation of the Organization worldwide. On a separate track, the group believed that significant procedural changes must be made within WIPO and across the UN system for the efficiency, independence and transparency of investigative processes involving allegations against senior officials. They believed it should not have taken WIPO so long to refer the matter to an outside investigative body, or to provide Member States with access to the investigative report. The group stated that it was necessary that WIPO Member States take immediate action to tighten and improve procedures pertaining to investigations of senior officials in order to expedite future investigations of this nature and increase transparency. The group proposed three immediate actions: The first action, that all Member States engage with WIPO’s IAOC, which the 25th Program and Budget Committee (PBC) had tasked with proposing amendments to WIPO’s Internal Oversight Charter at the next General Assemblies, and that those proposed amendments be approved by Member States at the upcoming Assemblies. The second action, that WIPO’s IAOC be requested to establish a process with the participation of WIPO and other experts as well as interested States, to consider whether WIPO’s general procurement principles and related documents should be

revised to ensure clarity and transparency in WIPO's procurement process. The third action, that WIPO's whistleblower protection policy and its implementation be reviewed to ensure that the policy takes into account lessons learned, recent developments in this area and best practices from other organizations. The group suggested that the main elements of their joint statement could be reflected through a decision of the Coordination Committee transmitted to the General Assemblies, although they reserved the right to make further proposals in relation to this matter after the Geneva-based delegations and their capitals had had the opportunity to examine carefully the redacted report. The Delegation reiterated the group's request that this statement be reflected in the report of the meeting.

17. The Delegation of Pakistan aligned itself with the statement made by the Delegation of the United States of America regarding the OIOS report. The Delegation noted that Pakistan attached great importance to the issue under discussion, which was why they were there on a UN holiday on Eid day. The Delegation registered its strong reservation at the scheduling of this meeting on a day when many members were not in attendance and hoped that WIPO would be sensitive to significant festivals for Muslims and not schedule important meetings during these days. The Delegation, along with other Member States, had undertaken a preliminary reading of the OIOS report under controlled conditions. The report was of vital importance to the Delegation of Pakistan, which attached great significance to the principle of accountability, transparency and responsibility for the smooth functioning and efficacy of any organization. The Delegation registered its strong concern about the deeply flawed process to address the investigation report, noting that the process had been marred by a lack of transparency and persistent, unwarranted delays in sharing the report. The eventual provision of the so-called "controlled access" to ambassadors, the highest representatives of Member States, who were asked to sign confidentiality agreements and had their mobile devices withheld during the viewing period, was a stark departure from the standard norms of diplomacy. The Delegation noted that many members refused to participate in the process due to reservations about the mode of viewing. The Delegation said that leaders of organizations abiding by their organization's staff rules were an important indicator of the efficiency and efficacy of any organization, as the compliance or otherwise of the heads of the organization served as a template for its entire staff to emulate. The Delegation stressed that WIPO staff rules and regulations were applicable to all of its employees, including its Director General, and that the executive head of any UN body set the standards of conduct and integrity for an international civil servant. The Delegation noted from its preliminary perusal of the report that the OIOS concluded that the Director General's actions did not comply with WIPO's procurement rules and that, on allegations related to the illegal collection of DNA samples, many questions were still unanswered. The Delegation noted that, according to the report, this was due to insufficient co-operation extended to the investigators, which was most disturbing. The Delegation was disappointed at the delay in releasing the redacted report, especially after a specific request was made to the General Assembly Chair. It was essential that Member States and capitals had full access to the report so that they could make an informed decision. In view of the importance of the issue and the far-reaching impact it had for the future of the Organization, the Delegation considered any further delays in this regard to be unacceptable. The Delegation reiterated its request for the provision of the full version of the report to Member States. The time taken to refer the matter to an external investigative body and the delayed access to the report by Member States underscored serious deficits in oversight, both by Member States and other mechanisms, and could not be justified, especially when it raised consistent long standing questions at the highest level. The Delegation said it was essential that Member States engage and assist the IAOC, which had been tasked by the 25th PBC to propose amendments to WIPO's Internal Oversight Charter. Proposed revisions should focus particularly on strengthening WIPO's general procurement principles and related documents to ensure clarity and transparency in procurement processes, and on review of the whistleblower protection policy and its implementation. The Delegation stated that this was its initial position on this sensitive matter, and that the Delegation of Pakistan would be able to take a final decision on this issue only once the Geneva-based delegations and their capitals had had the opportunity to carefully examine the full report, which they expect to receive well in advance of

the next session of the WIPO Coordination Committee. As Member States, the Delegation believed, they would be remiss in their duty if they failed to take immediate action to resolve this issue, which had been festering for an unacceptably long time. The Delegation requested that the Chair also confirm that this statement would be reflected in the report of the meeting.

18. The Delegation of Algeria supported the statement and recommendations made by the Delegation of the United States of America, and called for the implementation of the actions outlined in that statement, supported by several countries, to promote the principles of good governance in WIPO. The Delegation hoped that these actions would guarantee better transparency and more clarity in WIPO's affairs, as well as greater equity in meeting the expectations of Member States and more inclusion of Member States in all the Organization's activities. The Delegation would remain attentive to anything undertaken by WIPO in this context.

19. The Delegation of Panama welcomed the information provided on this agenda item, and supported the statement by the Delegation of the United States of America on behalf of the group of countries. The Delegation had been able to access the report only under controlled conditions set by the OIOS, and from a preliminary reading noted that it outlined actions where a lack of co-operation prevented a real investigation. The Delegation repeated its request that the full redacted report - redacted only to protect the identity of witnesses - be circulated to members before the General Assemblies, and that the members be permitted an opportunity to discuss the report after receiving copies as requested repeatedly in various communications.

20. The Delegation of Germany welcomed the opportunity to review the OIOS report that day as well as on the occasion of the 73rd session of the WIPO Coordination Committee and the 48th WIPO General Assembly in October. Germany fully associated itself with the joint statement presented by the Delegation of the United States of America on behalf of the group of like-minded states. In order to avoid any misunderstanding at the outset, the Delegation wished to make clear its continued commitment to – and overall goal of – maintaining the integrity of WIPO and averting any damage to the Organization. The Delegation believed that everyone in the room shared that goal. It was on this understanding that the Delegation was in favor of terminating the case as quickly and transparently as possible. As to why the Delegation believed that transparency as well as speed was needed to terminate the matter properly rather than just following the Chairs of the Coordination Committee and the General Assembly and their personal assessment of the OIOS report to formally close the investigation, the Delegation stressed that, as Member States, they could not renounce their responsibility as masters of the treaties and as the supervisory instance of the WIPO organs. The Delegation stated that this responsibility could not just be delegated to the two Chairs. The Delegation believed that only by seriously taking ownership of this responsibility, discussing the contents, findings and recommendations of the OIOS report in an informed manner and coming to their own conclusions regarding the necessity of decisions to be taken or not taken in this case, would Member States' dealing with this matter correspond to acceptable international governance and not be able to be criticized legitimately by the global public and media. In this light, the Delegation reiterated the request that Germany and 16 other like-minded Member States had addressed several times to both Chairs, on May 19, 2016, on July 26, 2016, and again that day, namely to formally request OIOS to provide Member States with a full version of the investigation report redacted only to black out names of witnesses to protect their confidentiality. The Delegation said that, according to its information, this request had so far not resulted in action by the two Chairs, and appealed to the Chair to immediately take this up with OIOS to make the redacted version of the report available to Member States as soon as possible. To avoid any misunderstanding, the Delegation noted that the recommendation of both Chairs in their August 5, 2016, review, namely "to request OIOS to make a redacted version of the report omitting any reference, implicit or explicit, to a person, either a natural person, a corporation, a company or any legal entity to be handed out to Member States," was not acceptable from a German perspective. This would create an illusion of transparency which would in fact be a travesty, since so much text would have to be blacked out from the report that it would not leave

enough on which to conclude anything. The Delegation repeated its view that it was of paramount importance that all Member States, including the capitals, get full and unfettered access to the report, at least to that extent to which OIOS had concluded that the DG's conduct had not met the required standards. On lessons to be learned, and steps to be taken, the Delegation believed that the WIPO Internal Oversight Charter needed to be reviewed in order to ensure it was a model within the UN system for the efficiency, independence and transparency of investigatory processes involving allegations against senior officials, including a Director General; and was glad to see that the recent PBC had already initiated such a review to be decided by the upcoming 56th Session of the WIPO Assemblies. Secondly, the Delegation was of the view that WIPO whistleblowers and witnesses in investigatory processes required effective protection from possible retaliation, noting that potential whistleblowers and witnesses did not currently have internal mechanisms to report retaliation since all of the mechanisms, including the WIPO Ethics Office, reported directly to the Director General. Thirdly, the Delegation concurred with the suggestion of the two Chairs to address potential deficiencies, if any, in WIPO's procurement system. The Delegation hoped the Coordination Committee discussions would facilitate forward-looking and constructive decisions as suggested at the 56th Assemblies.

21. The Delegation of Nigeria supported the statement made by the Delegation of the United States of America, on behalf of the group of countries, including Nigeria. The Delegation had taken note of the contents of the UN OIOS report and considered that it was imperative that capitals should be able to access the full version of the OIOS report, which should be redacted only to conceal the name of witnesses for confidentiality purposes. This would enable members to reach concrete conclusions on the findings of the report. The Delegation remained committed to working with all delegations to enhance the transparency, integrity and accountability of WIPO.

22. The Delegation of Mexico thanked the Chair for his introductory comments on action being taken on the report under consideration. The Delegation of Mexico shared the conviction expressed by other delegations that transparency was a benefit to the Organization and avoided the negative effect of rumors. The Delegation believed, therefore, that informal and open consultation on all issues was the best way. Second, the Delegation had read the report under the controlled conditions established by the OIOS and believed that members should have access to the report so that they could read it in a responsible way. The Delegation hoped that the Coordination Committee and the General Assembly would enable Member States to properly consider the report. From what the Delegation had been able to identify from the report, the Delegation believed that Member States had an opportunity to adapt the procedures and make them clearer in order to cope with these issues, and therefore favored initiating a process to identify gaps and improve the procedures for investigation. The Delegation believed that measures should be taken to ensure that the relevant bodies of the Organization fill these gaps, so as to properly carry out WIPO's mission. The Delegation was ready to contribute to this work and supported the PBC in consulting the independent oversight division and making amendments to the Internal Oversight Charter, which it believed would go in the right direction. The Delegation repeated its trust in WIPO. It would maintain its commitment to the Organization and to intellectual property, and the commitment of Mexico to this process could be counted on to make progress in the best interests of the Organization.

23. The Delegation of the Netherlands aligned itself with the joint statement presented by the Delegation of the United States of America on behalf of a group of Member States. The Delegation noted that the General Assembly had asked the OIOS to produce a report that was now under discussion. It was an authoritative report, the conclusions of which had to be taken very seriously. This meant, in the first place, transparency through making the report available in a redacted but still legible version; secondly, expressing the need to work towards improving the performance and reputation of WIPO; and thirdly, taking the three actions proposed in the joint statement.

24. The Delegation of Estonia associated itself with the statement made by the Delegation of the United States of America. It considered transparency a very important principle and a very important aspect in concluding the matter at hand. Estonia had stressed this point on earlier occasions and hoped that the redacted report would be made available to Member States very shortly.

25. The Chair noted that there were no more Delegations from the group of proponents wishing to take the floor, and opened the floor to other delegations

26. The Delegation of the United Republic of Tanzania delivered the following statement on behalf of the Ambassador who was not in Geneva. The Delegation had followed the report and found the accusation directed against the Director General unbalanced, since the complaints were only from one side. For a fair judgment and natural justice, arguments from both sides should be considered. While noting that top leadership may from time to time enter into conflict with staff, particularly on accountability and performance, the Delegation stressed that it considered highly, and continued to appreciate, the great contribution of the entire Organization to the African region under the leadership of Mr. Gurry, particularly regarding efforts to close development gaps and deliver the benefits of intellectual property. The Delegation noted that there had been a number of reforms in the interests of a well-functioning and balanced institution. In such circumstances, differences were likely to arise in institutions such as this. The Delegation believed that the differences within the Organization could be resolved through consultations and discussions between the two sides, and called on members to expedite the closure of this matter so more time could be devoted to dealing with the substantive matters which were of prime concern to all the membership.

27. The Delegation of Singapore commenced by acknowledging its Muslim friends on the occasion of Eid-al-Adha. The Delegation commended the efforts of the former General Assembly Chair, Ambassador Duque, and the current Chair of the Coordination Committee, for the manner in which they had dealt with this important and difficult issue. Having participated in the consultations, the Delegation believed that the Chairs had consulted widely and in a transparent manner, and in a manner which respected the spirit and letter of the existing rules and procedures, for which the membership took collective responsibility for having created. Having perused the OIOS report and the Director General's responses to it, and having gone back a second time to fill in any gaps from the first reading, the Delegation fully supported the Chairs' decision, as stated in their review of the OIOS report dated August 5, 2016, specifically to close with no further action all investigations regarding alleged misconduct by Mr. Gurry in both the DNA and procurement cases. The Delegation also agreed with the Chairs' recommendations to the Director General to conduct all necessary reviews to address deficiencies in the WIPO procurement system, and for a redacted version of the OIOS report to be given to all Member States along with the Director General's redacted response. In that regard, the Delegation welcomed the statement made by the Chair at the beginning of the discussion on this agenda item, that a redacted version would be ready for circulation imminently. The Delegation supported the circulation of a redacted version of the report, firstly, to address the membership's call for transparency; and secondly, to address the need to ensure that confidentiality is respected, noting that confidentiality had to be respected both to protect the witnesses, and to protect WIPO from any potential legal actions.

28. The Delegation of Japan appreciated the continuous efforts made by the Chair to expedite the process and to balance transparency and confidentiality. The Delegation had taken the opportunity to take careful note of the report and had reported its contents to its capital. Japan did not see any very problematic issues in the report. Member States had already discussed a lot and Japan was of the view that the issue should be closed as soon as possible in order for Member States to concentrate on technical issues. On the other hand, the Delegation was open to discussing substantive aspects of the investigation policy and so on, and appreciated the efforts made by the Secretariat in that regard.

29. The Delegation of Tajikistan, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), expressed gratitude to the United Nations OIOS for its comprehensive and rigorous consideration of the matter under discussion. The Group took note with appreciation of the conclusions set out in the respective report. It was the Group's understanding that the requested procedure related to the case at issue had been successfully carried out, and that there was no need for its further consideration. In that regard, the Group suggested closing this item.

30. The Delegation of India conveyed its greetings on the auspicious day of Eid-al-Adha and noted that its statement was being made on behalf of the Ambassador who could not be present as he was not in Geneva. The Delegation expressed appreciation for the efforts of the Chair of the Coordination Committee and the erstwhile Chair of the General Assembly towards carrying out the review of the report of the OIOS. To put things in perspective, the Delegation wished to place on record the sequence of events leading up to that day's meeting, where this supplementary agenda item has been admitted after a joint proposal by some of the Member States. After receipt of the OIOS report number 36/16, case number 0164/15, the Chairs of the General Assembly and the Coordination Committee, in accordance with Article 32 of the WIPO Internal Oversight Charter, carefully reviewed the aforementioned report. Both Chairs consulted the Member States and, after considering all the relevant facts of the case which were presented before them, including the quality of evidence supporting the findings of OIOS, as well as the views advanced by Member States on the issues reported, drew conclusions and made concrete recommendations, keeping in mind the best interests of WIPO. The Delegation had perused and studied the report, including the response by the Director General of WIPO, under the stipulated conditions. The considered view of the Delegation was that Member States needed to bring a logical closure to this issue, which had been lingering for a long time. Further delay in taking a decision on this matter would erode WIPO's credibility, and indecisiveness risked leading to irreparable damage to the institution, which was the bedrock of the global IP ecosystem. The Delegation's view was that the allegations and the recommendations should be viewed holistically, keeping in mind the larger picture and taking into account the long view. It was also important to avoid the pitfalls and fallacies of short sightedness. The Delegation believed that the Member States should bring finality to this matter at the earliest, in the larger interests of WIPO, and wherever they were in doubt, the benefit of doubt should be extended in such a manner that the Member States were able to focus on the important normative issues before them, and to work towards streamlining the governing structure of WIPO in order to ensure that the functioning of the Organization would become more transparent, more inclusive and open to translating constructive feedback from the Member States into its day-to-day work.

31. The Delegation of Bangladesh fully agreed with the former Chair of the General Assembly and the Chair of the Coordination Committee to immediately bring to an end all actions following the OIOS report. On reading the report, the Delegation's view was that the OIOS report did not identify any individual for any particular wrongdoing, so it would not be judicious in legal terms to indict or even indicate any person when no possible benefit, or motive to gain benefit, by any individual could be established. The Delegation considered that this unfortunate event did not deserve the prolonged attention of the Member States. It wasted their and the Organization's valuable time, and detracted from the responsibilities of the Member States and from the image of the Organization. However, the Delegation believed that there were some lessons to be taken for all concerned to prevent future occurrence of this type of event, and supported the two Chairs in recommending to the Director General to conduct all necessary reviews in order to address all deficiencies in WIPO's procurement system and policies and, if required, with the help of the Member States, to remove all loopholes that may interfere with the proper and transparent procurement process of WIPO. The Delegation considered that a properly reviewed and updated procurement process would preclude any recurrence of such unfortunate episodes. It had no objection to the proposal to distribute redacted copies of the OIOS report for the sake of transparency.

32. The Delegation of Mongolia stated that it was delivering its statement on behalf of its Ambassador. The Delegation highly appreciated the important work that the Director General had been doing to strengthen intellectual property rights systems around the globe, especially contributing, thereby, to the economic development of Member States, including developing countries like Mongolia, and also in leading WIPO towards great achievements. Following the consideration and review of the final investigative report by the OIOS, the Delegation considered that there was no evidence of any unlawful or irregular action by Mr Gurry, in either the so-called DNA case or in the procurement case. The Delegation suggested that WIPO and the Member States should close with no further action all investigations concerning the alleged misconduct and should follow in this regard the decisions and recommendations made by the Chair of the General Assembly and the Chair of the Coordination Committee in accordance with the WIPO Internal Oversight Charter. The Delegation did not believe that this was good for the work of the Organization. Its position was that it was not necessary to discuss and consider the final investigation report at the Coordination Committee, nor at the General Assembly of WIPO. In conclusion, the Delegation noted that, like many other Member States, Mongolia placed continued confidence and trust in the Director General, who fulfilled his duties well for the benefit of all Member States and the Organization.

33. The Delegation of Paraguay thanked the Member States who requested the inclusion of this item on the agenda, which allowed all interested delegations to express their positions in a transparent and inclusive way. The Delegation supported the decisions and recommendations of the Chairs of the Coordination Committee and of the General Assembly, and hoped that this would be an end point to the investigations, since the situation weakened and discredited the image of WIPO before the international community. With regard to the proposed actions to be implemented, the Delegation believed that these could be duly put forward and assessed in the relevant committees, and encouraged the group of proponents to initiate consultations with the full membership in order to explore areas of consensus.

34. The Delegation of Canada reiterated its long standing commitment to transparency and good governance at WIPO and across the UN system. The Delegation considered that the Organization's accountability to its Member States was a crucial element of its commitment to good governance, and noted the numerous internal, external and independent oversight mechanisms that helped support the Member States in exercising those responsibilities. The investigation report into the allegations made against the Director General demonstrated how these mechanisms could be used to respond to concerns and oversee compliance with rules and regulations at all levels of the Organization. The Delegation believed that the response to the review drafted by the two Chairs provided a useful roadmap to address the issues raised by the report's findings as they related to procurement practices at WIPO, and, as recommended in that review, looked forward to hearing more about the implementation of a process to ensure that regulations and rules on procurement were clearly understood and implemented by staff at all levels. Canada was happy to contribute its views to any process put in place, and stood ready to contribute regarding the investigation function at WIPO and in the UN system at large. The Delegation looked forward to reviewing the Internal Oversight Division's (IOD) proposed Revised Investigation Policy and Investigation Manual and wished to support and thank the IOD for its work. The Delegation believed the revisions to the Internal Oversight Charter would help ensure greater transparency and certainty in the investigative process. Canada fully supported and thanked the IAOC for its work towards such revisions to the Internal Oversight Charter and looked forward to considering the IAOC's proposals and engaging in the related process. In Canada's view, the clear process, that minimizes the possibility for conflict of interest and clarifies the obligations of the Organization with respect to investigations of staff at all levels, would be beneficial and would ensure that WIPO and Member State resources are spent addressing allegations and coming up with constructive responses, not wrestling with procedural quandaries. Canada would continue to engage actively on the issue of good governance and accountability at WIPO in upcoming sessions of the PBC and in other committees as appropriate, and looked forward to working with the Secretariat and other

Member States to ensure that WIPO could be a model of best practices among UN system organizations.

35. The Delegation of the Republic of Korea was of the opinion that this discussion should be concluded as soon as possible and hoped that the coming General Assembly would finally conclude these issues so they would not affect the reputation and credibility of WIPO. The Delegation had carefully read the report and found the conclusion of the report and the Director General's responses very clear. On the procurement-related issue, the Delegation was open to any discussion on whether there was a need to amend the WIPO procurement process or regulations on the basis of the facts found in this case.

36. The Delegation of Hungary had carefully studied the proposal by several WIPO Member States for the inclusion of this supplementary agenda item on the review of the OIOS report. The report and comments had been made available to the Member States in a limited way, and in a controlled environment, respecting the confidential nature of the document. Nevertheless, this limited information had enabled the Delegation to conclude that no further action would be required based on the conclusions of the OIOS report and the comments made by the Director General. The Delegation believed that the case could be considered closed, and supported the proposals made by the Chairs of the General Assembly and of the Coordination Committee.

37. The Delegation of China noted that, in accordance with the Internal Oversight Charter, the OIOS report had been submitted to the Chair of the Coordination Committee and to the Chair of the General Assembly for consideration. Following several rounds of consultations with Member States and legal advisers, the Chairs had put forward the decision to put an end to the investigation. The Delegation of China believed that the process had already taken up a lot of time and resources, and that Member States should not spend further time or effort on it, but should move on to more substantive issues in order to preserve the credibility and the image of the Organization and to best serve the interests of the Member States. In order to do so, the Delegation supported the recommendations of the two Chairs.

38. The Delegation of Brazil reiterated its commitment to governance and transparency. The Delegation sought access to the OIOS report to enable an informed decision by capitals and welcomed the information that the OIOS report would be made available by the end of the week. Turning to the review document issued by the Chairs of the General Assembly and the Coordination Committee, Brazil supported the proposal to address issues related to WIPO's procurement policy in order to avoid similar incidents in the future. Brazil deemed it necessary to improve current rules, clearly defining the attribution and responsibilities of the Director General and other high ranking WIPO officials in procurement processes.

39. The Delegation of Colombia considered that it had witnessed a fundamental process of transparency presided over by the Chairs of the Coordination Committee and the General Assembly, whose only interests had been to protect the interests of WIPO, and that the work was undertaken within the framework of the rules of procedures on which the Member States are called to reflect. Colombia welcomed all the recommendations and decisions put forward by the Chairs on August 5, 2016, and joined other delegations in underscoring the view that the process had come to its end, and that Member States should move forward.

40. The Delegation of the Russian Federation congratulated Ms. Sylvie Forbin on her new post. As regards Agenda Item 4, the Delegation had carefully studied the recommendations from the OIOS report. It believed that the investigation had been carried out properly and considered the matter closed. The Delegation appealed to the members of the Committee not to go beyond its mandate with this burdensome work.

41. The Delegation of Ethiopia thanked the Chair of the Coordination Committee and the former Chair of the General Assembly for sharing with the Member States their views concerning the investigation report on "Abuse of Authority and Procurement Irregularities

Implicating a Staff Member at WIPO.” The Delegation commended the Chairs for the various consultations they had conducted with WIPO Member States and for providing Member States with the chance to examine the OIOS report. Based on the document submitted to Member States, entitled Consideration and Review of the Final Investigation Report of April 5, 2016, containing the two Chairs’ decisions and recommendations, as well as on the Delegation’s careful examination of the OIOS final investigation report itself, it was the Delegation’s understanding that there was no conclusive evidence that confirmed in a clear manner that there had been a violation of WIPO’s regulations, rules and practices. In this context, the Delegation supported the decision point and recommendation proposed by the two Chairs to close both the DNA and procurement cases with no further action and without further delay. The Delegation also supported the recommendation to conduct all necessary reviews on gaps in relation to the procurement system. The Delegation welcomed the announcement just made by the Chair that Member States would receive the redacted version of the OIOS report and of the response of the Director General that week, since this would enable Member States to make informed decisions.

42. The Delegation of Australia thanked the Chairs of the General Assembly and the Coordination Committee for the consultative approach they took with Member States and with relevant technical experts in reaching their conclusions. The Delegation recognized the recommendations and decisions of the Chairs and noted that the Chairs had now closed the investigation. The Delegation also recognized the PBC’s decision to request the IAOC to review the Oversight Charter with a view to ensuring that it was a model of efficiency, independence and transparency of investigatory processes within the UN. The Delegation looked forward to engaging with the IAOC and other Member States in advancing this review. The Delegation noted the update from the Chair that a redacted copy of the OIOS report would be provided soon to Member States. It supported the circulation of a redacted copy of the report and response in accordance with the Chair’s decision.

43. The Delegation of the United Kingdom welcomed the opportunity to discuss the findings and recommendations of the OIOS report in this Committee meeting. In line with the review by the Chairs of the Coordination Committee and the General Assembly, the Delegation wished to see a redacted version of the report circulated without delay. The Delegation welcomed the Chair’s update in this regard and looked forward to receiving the redacted report that week. The Delegation also supported steps to address deficiencies in the procurement process and/or gaps in the WIPO procurement rules based on the findings of the OIOS report, as an important outcome of this long process.

44. The Delegation of Switzerland welcomed the efforts of the two Chairs in terms of the follow-up to the OIOS report, and attached great importance to the report being dealt with in full transparency. Since April 2016, the two Chairs had held consultations with Member States and other concerned stakeholders within WIPO to deal with the investigation report in the most appropriate manner. The Delegation noted with satisfaction that Member States had the opportunity to consult the report in this process, which had been carried out with transparency. The Delegation also welcomed the information that the report would soon be distributed to Member States in an appropriate way, protecting the rights and privacy of persons mentioned within it. The Delegation was of the opinion that the Chairs’ conclusions and the recommendations on the way forward made sense, given the outcomes and the findings and conclusions of the report. The Delegation believed that it was now important to fill out and clarify the applicable rules in terms of investigations into allegations against high-level civil servants in order to know how to act in future cases, and noted with satisfaction that procedures were already under way in this vein. At the recent PBC, members had adopted a decision on the review of the WIPO Internal Oversight Charter. Modifications would be undertaken in consultation with Member States and a draft would be put forward soon. The Delegation hoped a decision would be taken on that, and expressed conviction that amendments to the Charter would help produce a model of effectiveness, independence and transparency for investigation

procedures involving allegations against high-level civil servants within the UN system. This was the desire of Switzerland, which was fully committed to the review process.

45. The Delegation of Thailand concurred with the recommendation by the Chairs of the General Assembly and of the Coordination Committee that the case be closed so that the Organization could move on. The Delegation stood ready to cooperate with the Coordination Committee and other Member States to implement the recommendations to enhance the transparency and efficiencies of the Organization.

46. The Delegation of France thanked the two Chairs for their review of the OIOS report. Given the strategic considerations within WIPO, France noted the particular importance of the rules of transparency and good governance which must prevail within WIPO, and was therefore ready to work toward that end with all stakeholders within the Organization.

47. The Delegation of Malaysia commenced by wishing all its Muslim friends an auspicious Eid-al-Adha. The Delegation thanked the Chair for the opportunity to engage on the OIOS report and commended the efforts of the two Chairs in continuously engaging with Member States throughout the process. The Delegation recognized the authority and responsibility of the Chairs of the General Assembly and of the Coordination Committee in handling the matter and, therefore, fully agreed with the decisions and recommendations that the Chairs had included in their report. The Delegation reiterated that this long standing case should be brought to an immediate close so as to maintain WIPO's credibility and not detract the Organization from its core work. At the same time, the Delegation supported the circulation of the redacted OIOS report and welcomed the Chair's announcement that it would be made available at the earliest opportunity. To prevent a recurrence of such incidents, the Delegation would remain open and continue engaging with WIPO and other Member States towards the strengthening of WIPO's rules and procedures.

48. The Delegation of Chile thanked the former Chair of the General Assembly, Ambassador Duque, and the Chair of the Coordination Committee for their work, and supported, in form and in substance, the procedure that had been carried out in compliance with the relevant obligations and appropriate rules. The Delegation welcomed the sharing of the conclusions, findings and recommendations of the report. The Delegation had the opportunity to peruse the OIOS investigation report and to put forward proposals, both in bilateral meetings and in informal sessions called for that purpose. The Delegation supported the conclusions of the report by the Chairs. The Delegation stated that, given the greater interest of the Organization, if it were in the interests of delegations, the Delegation would support a review and modification of procurement rules as well as rules for investigation procedures, and would be ready to assess any proposal. This should be independent of this procedure and not interfere with the operations of the Organization, which was the Delegation's main objective.

49. The Director General noted that this was the first time he had expressed himself publicly on this matter. He stated that he had taken the decision not to make any public pronouncements despite the extensive publicity that had been given to the matter in various media and other outlets, even though that decision may not have served him well. The Director General stated that in any similar situation at the national level, the person in question would have taken every opportunity to address the media with respect to allegations made against him or her. Nevertheless, that was the course of action that he had chosen in the interests of the dignity of the Organization and of not having the matter spread around in a manner inappropriate for an international organization. Turning to some of the observations that had been made that morning, the Director General noted that those observations that addressed perceived failures in procedure concerned entirely the Member States. The subject of such an investigation had nothing to do with the procedures or implementation of the procedures with respect to an investigation, so the Director General took all those observations as being observations addressed to the Member States themselves, who were the masters of the process. He noted that, from start to finish, this process had laid in the hands of a number of

different instances, the OIOS, the original Chair of the General Assembly, the next Chair of the General Assembly and so on. It had been entirely a Member State conducted process. He stressed that any implication that there had been any resistance on the part of the WIPO Secretariat or himself was completely unfounded. Nothing in the whole process, which he agreed had been extremely lengthy, had concerned anyone but the Member States. He agreed that there had, quite obviously and clearly, been failings in the process, citing, for example, confidentiality. He asked how it could be that a newspaper had been able to report that the OIOS had sent him – as the subject of the investigation – a copy of the draft report, and that he had requested a two week extension for submitting his comments because it had coincided with the Davos meeting. The Director General asked how that was possible, given that it concerned just one e-mail communication from OIOS, one reply from himself, and then one e-mail granting the two week extension. He considered this entirely unsatisfactory, and noted that the first person to suffer from the many deficiencies of the procedure had, indeed, been the subject of the investigation. The Director General welcomed wholeheartedly any review of any procedures that would lead to better governance, better governance structures, better governance procedures and greater transparency. He welcomed any such moves on the part of the Member States. He also welcomed the publication of the OIOS report, suggesting that the lack of clear provision in the procedures in this regard may be one of the first things that Member States may wish to consider when looking at the procedures. He very much welcomed the publication of the report, redacted or unredacted, whichever the Member States chose. In this respect, he noted that he had already provided both a redacted and an unredacted copy of his own observations on the report to the relevant authorities, so that they could be transmitted and published. The Director General also wished to raise a point concerning the rule of law, noting that much was heard about the rule of law in Geneva, in many instances, in the Human Rights Council and in governance statements. Looking at the relevant constituent documents that had been approved by the Member States, he noted that, in this case, the first relevant constituent document was the Internal Oversight Charter, which had been adopted by the Member States, and which was contained in Annex I of WIPO's Financial Regulations and Rules. He noted that paragraph 32 of the Internal Oversight Charter stipulated that "Final investigation reports concerning the Director General shall be submitted to the Chairs of the General Assembly and the Coordination Committee for any action deemed appropriate, and copied to the IAOC, and to the External Auditor." The Director General noted that this was the provision that the Member States had adopted and the provision that they should follow. The Director General accepted that it was one thing to say "well now we have some experience of this procedure we don't like it, we would like it to be different for the future." But he contended that to retrospectively legislate with respect to a matter that the Member States had already adopted would be a fundamental violation of the rule of law. Member States could not invest authority in an instance to take a decision and then say "we do not like the decision, we are going to change it." They could change it for the future if they considered it had been a mistake to vest that authority in that particular instance, but they could not do so retrospectively without fundamentally violating the rule of law. The Director General also raised the issue of having both sides heard, repeating that this was the first time he had ever addressed this matter publicly, having maintained silence in the interests of the Organization until now. He urged Member States to listen to both sides. He stressed that they were not dealing with a court decision, but with an investigation report. The analogy in a national system would be a report produced by the Department of Public Prosecution, which would be considered by the Attorney General in order to determine whether or not to take any action. The equivalent of WIPO's process, as decided by the Member States, was that an investigation report should be submitted to, in this instance, the Chairs of the General Assembly and the Coordination Committee for any action deemed appropriate. That particular regulation was repeated in paragraph 34 of the Investigation Policy, which the Member States had adopted, and was repeated in paragraph 160 of the Investigation Procedures Manual, which was a subordinate instrument to the Investigation Policy. The Director General noted that the law and legislative instruments that the Member States had adopted were extremely clear. It was fine for the Member States to say that they would like to change them for the future. But retrospectively depriving someone of authority, and

retrospectively changing the rule that affected the rights and obligations of a person would be a fundamental breach of the rule of law, which would not be expected of Member States in an international organization. The Director General noted that his comments had been a spontaneous reaction to what he had heard that morning. He had, naturally and rightly, not had the opportunity to participate in any of the numerous conversations that had taken place over the course of the past months. Therefore, he was responding spontaneously to what he had heard that morning. In summary, he reiterated that this was the first time he had spoken on this matter and, secondly, that the procedure had been designed by the Member States, had been implemented according to their processes, and had been conducted entirely without reference to himself – the subject of the investigation - or to the Secretariat. He agreed that there may have been faults in the process, asking, for example, whose interests it had served to drag the matter out for two and a half years, and to continue to drag it out. He noted that it certainly did not serve his own interests. His interest was that the matter be disposed of, as he had always said, expeditiously, credibly and fairly. The Director General stated that while Member States could, of course, revise procedures for the future, there should be no violation of the fundamental principles of the rule of law in the process.

50. The Delegation of Luxembourg thanked the Director General for his spontaneous public reaction. The Delegation stressed that, on the basis of the information at their disposal and the findings of the OIOS, it believed that following the long consultations in the last months the time had come to turn the page on a very long story and to return to the core issues. The Delegation supported the proposed decisions and recommendations and trusted the Director General to implement them transparently, leading to better governance in the future.

51. The Delegation of the United States of America was pleased to hear that others were open to further discussion of procedural reforms, and reiterated its interests in consulting with colleagues regarding the immediate actions it believed were essential to move the Organization in a positive direction, several of which were in line with the conclusions and recommendations the Chairs had made. The Delegation suggested language for a possible way forward in the form of a decision as follows:

“The seventy-second, (26th extraordinary) Coordination Committee, taking note of the discussions held under the review of the Office of Internal Oversight Services report:
“(1) requested the Chair to request that OIOS produce a redacted version of the report titled “Abuse of Authority and Procurement Irregularities Implicating a Staff Member of the World Intellectual Property Organization” prior to September 26, 2016, in advance of the General Assemblies;
“(2) emphasized the importance of Member States contributing to the revision of WIPO’s Internal Oversight Charter and urged all Member States to support adoption of proposed amendments at the upcoming Assemblies;
“(3) took note of the review by the GA and Coordination Committee Chairs of the OIOS report number 36/16 of August 5, 2016, and agreed to continue discussions of this matter at the next meeting of this body after Member States and their capitals have the opportunity to review the OIOS report, redacted pursuant to OIOS rules;
“(4) recommended to the WIPO General Assembly to direct:
“1. the Independent Advisory Oversight Committee to establish a process with participation of WIPO and other experts as well as interested states, to consider whether or not WIPO’s general procurement principles and related documents should be revised to ensure clarity and transparency in WIPO’s procurement process;
“2. that WIPO’s whistleblower protection policy and its implementation be reviewed to ensure that the policy takes into account lessons learned, recent developments in this area and best practices from other organizations;
“3. the Director of the Internal Oversight Division to continue to make the full unredacted report available to Member States upon request in a controlled reading room environment.”

52. The Chair noted that the redaction was at completion stage, the instruction had been forwarded to the OIOS a long time ago, and that members had been informed at the beginning of the meeting that they would have the report soon. He agreed that the non-redacted version and supporting evidence should remain available for Member States so that they could form their opinion. The Chair stated that all agreed that all relevant rules and regulations, which remained dynamic and available for adaptation, would continue to be reviewed as much as necessary. That said, the Chair noted that, in line with Article 32 of the Internal Oversight Charter, the action deemed appropriate and taken by the Chairs was final. Other actions regarding the implementation of decisions and recommendations, such as the circulation of the report, review of the IOC procurement rules, whistleblower protections etc., would be expedited. He noted that the Coordination Committee had taken note of all statements and recommendations, and that all statements would be reflected in the minutes of the meeting, and announced that Agenda Item 4 should thus stand closed.

53. The Delegation of the United States of America, after raising a point of order, took the floor to note that paragraph 32 of WIPO's Internal Oversight Charter stated that: "Final investigation reports concerning the Director General shall be submitted to the Chairs of the General Assembly and the Coordination Committee for any action deemed appropriate," and to note that the words "solely" or "only" were not included in this paragraph. The Delegation did not, therefore, agree that the language in paragraph 32 of WIPO's Internal Oversight Charter precluded Member States from continuing to discuss this matter, or from taking prospective actions to address, among other matters, any institutional issues that had come to light during the investigative process. The Delegation expressed appreciation that the two Chairs had made efforts to consult with Member States throughout this process and had requested suggestions on how to move forward. This was important because, as repeatedly recognized, WIPO was a member-driven Organization and, as such, members had to have a say in this oversight process as well. Therefore, the Delegation did not support finalization of discussion on the matter at that time, but hoped that, with action on the items it had just referenced, the Coordination Committee would be able to move forward in a positive way.

54. The Chair opened the floor to discuss whether, in violation of paragraph 32, which stipulated clearly that the final investigation should be submitted to the Chairs for action that was deemed appropriate, the Coordination Committee wished to conclude that the matter remained open despite the Chairs having closed the matter. The Chair fully supported the important idea that rules governing this matter should be adapted or adjusted. If the Member States adopted new rules with retrospective effect he would not oppose them. So the issue was simple: either within the current rules the matter would be closed, and this would not be disputable. Or, in order to review the Internal Oversight Charter, as Article 46 made very clear, Member States would need to submit their ideas to the Secretariat, who would draft a proposal for consideration and submission to the PBC. Member States had the sovereignty to adopt a new rule, and if it was legally permitted they could make it retrospective. But in the meantime, the rule of law must be respected.

55. The Delegation of Germany fully supported the point just made by the Delegation of the United States of America. The Delegation of Germany had not said anything in its statement with regard to the review carried out by the two Chairs because its intention had been, and remained, to act forward looking. However, the Delegation considered that how the Chair had dealt with this matter in his capacity as Chair of the Coordination Committee did not seem proper. The Delegation took note of the personal assessment of the investigation report by the two Chairs, and appreciated their efforts throughout the last few months to collect the views of Member States and to form their own opinion. However, the Delegation did not agree with the Chairs' assessment regarding the denial of any involvement of Mr. Gurry, either by acting directly, influencing or imposing any action related to the evaluation process in the procurement case. According to the Delegation of Germany's understanding, this assessment was in clear contradiction with the findings and conclusions of the OIOS report, which had examined the questions at stake independently, thoroughly and credibly. The Delegation noted that existing

rules and procedures had to be respected by all staff members, in particular by staff members at the top of the Organization. The Delegation contended that referring to the best interests of the Organization could not be a feasible excuse or exception, since this would allow the existing normative framework to be disregarded if simply deemed necessary or claimed to be in the best interest of the Organization, whereas it was generally the up-holding of rules that best served the interests of any international organization. The Delegation requested a legal opinion on, firstly, whether paragraph 32 precluded further discussion on this matter, and secondly, whether paragraph 32 precluded discussion on prospective procedural reforms. The Delegation had the legal understanding that the fact that the Chair was mandated by paragraph 32 to take action as deemed appropriate did not extend to the capacity to close a case in contradiction with the findings of the OIOS report.

56. The Chair fully agreed on some major points and further offered to circulate the redacted version. The Chair proposed, moreover, to keep the unredacted report available in WIPO offices, together with the rules regarding procurement decisions, and the evidence on all procurement decisions regarding this case. The Chair encouraged all members to take the time to go and read the documents to form their own opinion on the case. He suggested that members would either draw the same conclusions as the two Chairs, or else would propose a re-opening of the review, which would require adjustment of the rules.

57. The Legal Counsel, responding to the question from the Delegation of Germany, referred the delegations to the provision that had already been referenced previously, namely paragraph 32 of the WIPO Internal Oversight Charter, which provided that “final investigation reports concerning the Director General shall be submitted to the Chairs of the General Assembly and the Coordination Committee for any action deemed appropriate.” Paragraph 32 was clear in its direction. The Internal Oversight Charter did not prescribe or circumscribe the scope or extent of the action taken by the Chairs, but left it to the discretion of the Chairs to determine what they deemed appropriate. The Internal Oversight Charter also made no provision for the review of the specific actions by Member States. With respect to the follow-up query on the role of the Coordination Committee with respect to further reforms, the Legal Counsel referred to Article 8 of the WIPO Convention, which set out the mandate of the Coordination Committee under Article 8.8.3, as well as the relevant provisions regarding the meetings of the Coordination Committee. Under that provision, the Coordination Committee may take action as deemed appropriate.

58. The Delegation of Pakistan noted the response given by the Legal Counsel and supported the interpretation by the Delegation of the United States of America that Member States did have a role on the issue. The Delegation believed that the matter could not be closed.

59. The Chair asked the Legal Counsel to repeat in one sentence what he had just clarified on whether the matter was closed or not.

60. The Legal Counsel reiterated that paragraph 32 of the Internal Oversight Charter provided that final investigation reports concerning the Director General “shall be submitted to the Chairs of the General Assembly and the Coordination Committee for any action deemed appropriate” and that the Internal Oversight Charter made no other provision for the review of this specific action by Member States.

61. The Delegation of Algeria said that it had listened carefully to what the Legal Counsel had said and stated that a new stage was being entered upon. The Delegation noted that paragraph 32 provides that the reports by the two Chairs are to be submitted to the General Assembly, since these reports have been submitted to the Coordination Committee and the General Assembly. Consultations led by the Chair of the Coordination Committee had been taking place and it was clear that views were divided. For this reason, the Delegation thought that there was a need to ensure that the evaluation of the report should be made more precise and should be continued. The Delegation agreed with the Chair of the Coordination Committee

that paragraph 32 allowed for the communication of this report. That said, the Delegation believed that once consultations had been opened they had to be followed up and that there should be decisions following these consultations based on the decisions of the members of the Coordination Committee. The Delegation pointed out that paragraph 32 did not say that once the report had been submitted to the Chairs that the matter was closed. The Delegation reiterated that that was its interpretation of paragraph 32 and for this reason it supported the recommendations made by the Delegation of the United States of America.

62. The Delegation of Singapore noted that it had not been present at the negotiations that created the current language in paragraph 32. That said, the Delegation ventured to guess that the language was deliberately couched in such very broad terms precisely to give a lot of latitude to the wisdom and the judgment of the Chairs, whom the membership had elected as their representatives in their respective capacities. The Delegation's second observation was to ask how the two Chairs had conducted themselves in executing the mandate given to them in paragraph 32, and how they had conducted their work as they deemed appropriate. The Chairs had decided in their wisdom to consult broadly, presenting the facts as they could in an appropriate manner to the membership, and availing the membership of opportunities that the Chairs created for the membership to consult. The rules did not say that the Chairs had to do that, but they did in their wisdom and in their understanding of the letter and spirit of the rules, which the membership had collectively created. The Delegation noted that, following intense and transparent consultations, delegations had heard each other and knew what the views were. The Delegation emphasized that the Chairs, in their judgement in the review which they had undertaken, had decided. The Delegation thanked the Legal Counsel for his views on the questions which had been raised and it came back to the Delegation's first point in its current intervention, that the rules are deliberately vague, precisely to invest this kind of authority in situations like this. If the membership felt that that was too broad a latitude to grant to any Chairs, then, the Delegation suggested, the rules could be changed. There could be new rules for new circumstances. The Delegation stressed that, under the current rules, the Chairs had acted precisely within their prerogative and the Delegation underscored its full support for what the Chairs had recommended.

63. The Delegation of the United Republic of Tanzania joined other delegations in supporting the Chair's views on the matter of closure. The Delegation noted the clarification given by the Legal Counsel. The Delegation also welcomed the view, for the future, that the rules and procedures, if seen to be not appropriate, could be brought up for review by the concerned members. However, the Delegation emphasized that concerning the current matter, it would not support any judgement or conclusion based on adjusted rules. The Delegation found it disturbing and unfair to handle this matter by changing the current rules and procedures, which served as a baseline. Therefore, the Delegation believed that the report which is to be circulated by both Chairs would capture all of the concerns of the members from the consultations the Chairs had conducted. As such, the report would serve the purpose and, as had been alluded to, the procedure had been followed.

64. The Delegation of Mexico observed that, as stated by other delegations, it appreciated and was thankful for the way in which the Chairs of both bodies had proceeded in terms of calling consultations, during which many of the Member States present had participated. The Delegation noted that one of the important elements in these consultations had been the need for transparency and that this had repeatedly come out. The Delegation found it hard to understand that once the appropriate decision had been taken to request a carefully redacted version of the report, noting that that version would be circulated as the Chair had stated this week among the Member States, just as this element and action of transparency was approaching, the decision was being taken to close the case and discussion on this matter. If this action of transparency, which was recognized by all as a positive step was being done, then the Delegation believed that the discussion would not have to be closed. The Delegation hoped that the Member States would then have the opportunity to look at the report. If this were not

the case, then the Delegation felt that the taking of the suitable appropriate decision did not seem to make much sense.

65. The Chair clarified that he had never supported the idea of redacting the report as he did not see the logic of it. The Chair stated that he did not see how he and some officials had a non-redacted version and, for confidentiality reasons, Member States did not have the same. He said that he did not subscribe to the assumption that, once disclosed to Member States, there would be a risk of the dissemination of the information and of breaching confidentiality. The Chair said that he fully trusted the Member States and noted that they were the 'number one' to deal with confidential information. He noted that the Member States, in their respective capacities, had decided to have a redacted report because some members were very sensitive to that responsibility and leaking to the media etc. The Chair commented that, where he was from, an audit report is debated in public by commissions, in Parliament, the media, and the civil society. Names of each and every one were disclosed in any good or positive report. Consequently, the Chair said that, personally, he had no issue with distributing a non-redacted report. However, the Member States had opted for a redacted one in an informal consultation meeting. If, in this session of the Coordination Committee, as a formal forum, it was now decided that a non-redacted version would be prepared, then the process could be changed. There had been complaints that it took too long because of technicalities involved. If the methodology were changed, it would take even longer to adapt each and every mission's copy, watermarked, prepared, checked etc. The Chair urged Member States to make and implement their decision. The Chair suggested that a good alternative was to continue what Member States had already decided and complement that decision by making the report available in the office of the IOD so that whomever wanted could go and clarify blacked out information, and could go and have the original information. The Chair encouraged Member States to look at the procurement decision process. He suggested that they might have a different opinion when looking at the procurement rules and going into the procurement decisions one by one. The Chair stressed that he had copies of this information with him and noted that the Chairs had this information before they wrote their review. He noted that the Chairs had carefully assessed each and every decision and saw who signed what, who did what and when. The Chair encouraged Member States to go and openly have a look at these documents. If that was what was meant by keeping the issue open, then the Chair had absolutely no problem with keeping the issue alive and the debate open. If, after that process, Member States realized that the review conducted by the Chairs was totally flawed, this issue could be raised at that time. The Chair said Member States could find a legal way to address this matter, including punishing the Chairs. He said that, in that case, all would agree both on the substance of what had been requested and because Member States still had some worries. The Chair suggested that they had exactly the worries which he had had before he read those documents and, in this situation, it would be acceptable on the legal part. The Chair reiterated that, if this is what 'keeping open' meant, then he had absolutely no problem with it. If 'keeping open' meant that a decision which was closed could be challenged whenever it was desired, then that could not work, as this forum would be adopting an illegal decision. Consequently, the Chair said that a way could be found to not be illegal and still keep the matter alive. When the time came, in the next forum, if Member States had strong points, they could re-open the matter and could adopt a new sovereign rule through the General Assembly, even outside the IOC rules. The Chair stressed that he had absolutely no problem with that. In concluding, the Chair suggested that a decision be made on whether distribution of the redacted version be continued or whether this be stopped and the preparation of a non-redacted version be started. He underlined that the will of the Member States would be executed without problem.

66. The Delegation of Germany thanked the Chair for his additional comments and, referring to the Chair's comment that the redaction process was close to completion and the redacted report would be distributed and circulated this week, asked what type of redaction the Chair was talking about. If it was the redaction that the Chair referred to in his review on August 5, 2016, then, as the Delegation had made it clear in its previous statement, such a redaction would not be acceptable to the Delegation as no one would be able to conclude anything from the report.

The Delegation stated that it would be happy with a redacted version, but only with blacked out names to protect witnesses. The Delegation noted with interest that the Director General himself had no problem with the release of an unredacted version. The Delegation asked why Member States should have a problem with this if the subject of the matter did not have a problem. In the interests of clarity, the Delegation urged the release of an unredacted version or, if redacted, only with blacked out names of witnesses mentioned in the report.

67. The Chair summed up that there were three options: a non-redacted version; a version redacted for the names of witnesses; and a version redacted with much more information included as initially proposed. These were the three possibilities and the Chair requested that those who wished to intervene at this time make proposals only on the scenarios. He assured delegations of his total neutrality and indifference, as was the Director General as well. The Chair related that the Director General had merely asked that this information not be placed on the Internet. The Chair stated that if this information was to be sent to Member States in a responsible and confidential way, then Member States would have the information in a confidential way and would treat the information how they treated confidential information. The Chair reiterated the subject had no problem with this. The Chair also said that the witnesses were members of the staff. The Chair added that, if there had been any risk of retaliation, then the damage had been done as the one who could retaliate was the Director General, and he had the report since the first draft, as the first draft report had been sent to him as a subject. The Chair underlined that he fully respected those who were sensitive to confidentiality problems, though he absolutely did not share this specifically if such issues could block progress on this matter.

68. The Delegation of Nigeria stated that it would prefer a redacted version with only the names taken out.

69. The Delegation of Australia expressed its interest in clarification as the substance of the decision had shifted very quickly in the last 10 minutes. So as to be able to catch up, the Delegation said that it would appreciate if the Legal Counsel could step in and clarify. The Delegation recalled that it was the Delegation of Singapore which had made the point concerning protecting both individuals involved and the Organization itself, and that that was why the parameters of the redaction had been set in the Chair's decision. The Delegation also understood that OIOS reports and the OIOS itself had principles around redaction and release of reports. The Delegation asked to what extent WIPO as an Organization needed to consider those recommendations which the OIOS has in respect of its own reports. The Delegation noted that it would be interested in clarification and in terms of any risks which Member States may be putting on themselves. The Delegation expressed concern as to how quickly the Committee was rushing to make this decision and asked that one step be taken and consideration be given to the legal implications.

70. The Legal Counsel stated that normally, redactions took place in order to protect confidential and sensitive information relating to third parties, that is, those who were not subject to the actual investigation. The Legal Counsel continued that within the United Nations, there is certain guidance and best practices and lessons learned which might be applied in that respect.

71. The Delegation of Nigeria expressed its hope that, following the clarification of the Legal Counsel, there would be a redacted version with only names taken out. The Delegation was of the view that WIPO is a Member State driven organization and noted that both Chairs were elected by Member States. It was, therefore, imperative that Member States had adequate access to the reports, as the Delegation had said previously, so that Member States could make their conclusion before closure of this subject. Finally, the Delegation noted that the findings of the Chairs were not, in its opinion, exactly in harmony with the findings and conclusions of the OIOS report. It was this which had agitated many Member States particularly the like-minded ones. The Delegation noted that, as one of those which had read the redacted report, it knew what the conclusions said. The Delegation felt that the verdict which the Chairs had come up

with was at cross purposes with the recommendations of the final OIOS report. This was why the Delegation urged a circulation of the redacted version, so that Member States could have access and understand the Delegation's reasons.

72. The Chair stated that delegations were making some progress. He continued that, unfortunately, this would imply delays. That said, he noted that the redaction methodology could be changed and only the names of witnesses would be deleted or blacked out, and that this was the version which Member States would have. He also stated that Member States would also have access to the non-redacted report in the office and access to any document which Member States wished to consult. On this basis, Member States should make any decision which respects the rules of WIPO. There would be no restriction. He added that Member States should make their decisions or recommendations in respect of WIPO rules, in the right forum, under the right rule. Whatever would be the decision could not be discussed now. The Chair suggested that Member States move step-by-step and consult the report and supporting documents. The Chair also suggested that the rules be reviewed, especially the Internal Oversight Charter, the procurement rules and the whistleblower protection rules; this is what had been proposed. The Chair said that, if delegations had any other ideas, they should feel free to propose them. The Chair said that, in this sense, the issue remained alive without causing any conflict in terms of the rule of law.

73. The Delegation of the United States of America thanked the Chair for his comments and proposed suspending the session so that Member States could consult.

74. The Chair granted the suspension of Agenda Item 4.

75. The Chair reopened Agenda Item 4 and noted that he would give the floor to the proponents of new language for the decision paragraph. Prior to this, however, the Chair wished to clarify some matters. He said that the report by OIOS recommended considering action against the Director General. This was an administrative action in human resource management. After the review of the report, after considering all facts and elements, the Chairs had found no facts on which to base that recommendation. He continued that the Chairs, in their capacity in line with Article 32, decided to foreclose that administrative action and related investigation. The Chairs had opened a new chapter based on their experience while managing the case. The Chairs had opened a new chapter of governance revision. The Chair explained that what had been touched upon, especially the IOC, had been a subject of concern during the process. In particular, there were questions, namely, how was the Chair of the General Assembly to be involved in the investigation, how was he mandated and according to which rule. As to whether the General Assembly or the Coordination Committee had been informed prior to the start of the investigation, the Chair stated that, in all honesty, he did not think so. The Chair then raised the question that, now that the report had been finalized, what was the disclosure policy. He stated that there was none in the rules. Unlike OIOS reports in the UN system, which had a specific disclosure policy, the IOC had no disclosure policy regarding reports implicating the Director General etc. So, loopholes in the rules had been found and consultations were initiated to improve the rules. In terms of procurement, similar to the IOC in general, a number of loopholes had been found in the way they were designed and certain evolution needed some adjustment. The Chair also raised the question of the formal role of the Director General regarding procurement. He continued that there was no rule for the Director General although all officials have very specific tasks when procurement is concerned. Consequently, the Chairs had made further recommendations and decisions beyond the substantive consideration of the report. The Chair stated that he welcomed all Member States' inputs and ideas regarding the amendment review, the updating of the Internal Oversight Charter, of the whistleblower protection rules, and of the procurement rules, not limited to any WIPO rule, so that governance was really aligned to the best universal standards and practices. The Chair stressed that he would be the last one to oppose such a move. He said that, if keeping the issue alive was that, then he would be proponent number one concerning keeping the issue alive. He also said that it was precisely because of those loopholes in the rules that

the Chairs could not find a way to make the report available in a timely way, either a full version or a redacted version. There were several questions linked to making a version of the report available, such as how could the Chairs make the report available to Member States, how could they consult Member States if they did not have the report, or how could the Chairs impose on Member States a decision if they could not even challenge it based on their own analysis. The Chair noted that the report was not available yet but that the Chairs would do what Member States requested and, logically, Member States would have access to the version of the report and would probably have a new vision, a new picture. The Chair strongly encouraged that Member States go beyond the report and look at the underlying facts and, while not judging, they may think what he thinks about the report. Consequently, the Chair said that there would not be a contradiction between inviting Member States to read the report more and saying that the issue was closed, if by 'remaining open', it was meant that Member States read the report, there is continued reflection, and they improve the Organization. The Chair underlined that Member States were free to do so. The Chair added that this was a matter of fact as the issue remained open because it is on the agenda of the next Coordination Committee and the next General Assembly. Consequently, the Chair saw no point on which to debate. The Chair stated that so long as the rules of WIPO were respected, as long as what had been legally foreclosed was not opened, all of the rest should remain alive and Member States should all contribute to governance into the future. The Chair then passed the floor to the proponents of a new idea to explain it.

76. The Delegation of the United States of America stated that it had a decision to propose that is relevant to the OIOS investigation. This was a decision setting forth a number of prospective, forward looking and, what the Delegation considered to be, constructive action items to be taken. The Delegation then reread its proposed decision:

"The seventy-second (26th extraordinary) Coordination Committee, taking note of the discussions held under 'Review of the Office of Internal Oversight Services (OIOS) Report':

"(1) requested the Chair to request that OIOS produce a redacted version of the Report titled 'Abuse of authority and procurement irregularities implicating a staff member of the World Intellectual Property Organization' prior to 26 September 2016 in advance of the General Assemblies.

"(2) emphasized the importance of Member States contributing to the revision of WIPO's Internal Oversight Charter and urged all Member States to support adoption of proposed amendments at the upcoming Assemblies.

"(3) noted the need to continue discussions of this matter at the next meeting of this body after Member States and their capitals have the opportunity to review the OIOS report, redacted pursuant to OIOS rules.

"(4) recommended to the WIPO General Assembly to direct:

"1. the Independent Advisory Oversight Committee to establish a process with participation of WIPO and other experts as well as interested states, to consider whether WIPO's general procurement principles and related documents should be revised to ensure clarity and transparency in WIPO's procurement process.

"2. that WIPO's whistleblower protection policy and its implementation be reviewed to ensure that the policy takes into account lessons learned, recent developments in this area and best practices from other organizations.

"3. the Director of the Internal Oversight Division to continue to make the full unredacted report available to Member States upon request in a controlled reading room environment."

77. The Chair noted that the Committee faced the following situation: a number of delegations recommended to adopt the decisions of the Chairs while another group of proponents were of a different view and were making a different recommendation. The Chair requested the Secretariat to explain what the situation was before giving the floor to Member States to react.

78. The Secretariat understood that the Chair wanted to learn how many delegations had taken the floor. The Secretariat noted that from the side of the proponents, there were nine delegations, namely, the United States of America, Pakistan, Algeria, Panama, Germany, Nigeria, Mexico, the Netherlands, and Estonia. From the side of the non-proponents, the Secretariat noted that 24 delegations had taken the floor. The Secretariat added that one delegation, Tajikistan, had taken the floor on behalf of the CACEEC Group which had 10 members. Considering that Tajikistan and the Russian Federation had spoken separately as well, the Secretariat understood that 32 delegations which were non-proponents had taken the floor.

79. The Chair reiterated that 32 delegations had taken the floor to recommend the adoption of the decision and recommendations of the Chairs. Nine delegations had a different proposal and the Chair invited them to read their proposal.

80. The Delegation of the United States of America expressed its appreciation for the time it had been given to consult with its colleagues and to put forward revised proposed decision language. The Delegation explained that it needed more time and requested five more minutes.

81. The Chair explained that this item was on the agenda of the next Coordination Committee and the next General Assembly and, in this context, requested that the Delegation of the United States of America make its proposal ready for consideration, failing which the Chair would be left with no other option but to adjourn this specific topic.

82. The Delegation of the United States of America stated that it was happy to now read its revised proposed decision language:

“The seventy-second (26th extraordinary) Coordination Committee, taking note of the discussions held under ‘Review of the Office of Internal Oversight Services (OIOS) Report’:

“(1) took note of the OIOS Report on ‘Abuse of authority and procurement irregularities implicating a staff member of the World Intellectual Property Organization’ and took note of the GA and CoCo Chairs’ conclusions and recommendations dated August 5, 2016.

“(2) requested the Chair to expedite the release of a redacted version of the above referenced OIOS Report prior to 26 September 2016 in advance of the General Assemblies, redacted to protect names and identities of individuals and legal entities.

“(3) emphasized the importance of Member States contributing to the revision of WIPO’s Internal Oversight Charter and urged all Member States to support adoption of proposed amendments at upcoming Assemblies.

“(4) noted the need to continue discussions of this matter has been taken into account and is included in the agenda of the October 2016 Coordination Committee and the 2016 General Assembly so that Member States and their capitals have the opportunity to review the OIOS Report.

“(5) Requested the Director of the Internal Oversight Division to continue to make the full unredacted report available to Member States upon request in a controlled reading room environment immediately through at least the end of the 2016 General Assemblies.

“(6) recommended to the WIPO General Assembly to direct:

“1. the Independent Advisory Oversight Committee to ensure a process with participation of WIPO and other experts as well as interested states, to consider whether WIPO’s general procurement principles and related documents should be revised to ensure clarity and transparency in WIPO’s procurement process.

“2. that WIPO’s whistleblower protection policy and its implementation be reviewed to ensure that the policy takes into account lessons learned, recent developments in this area and best practices from other organizations.”

83. The Chair thanked the Delegation of the United States America for its proposal and asked the proponents of other views to make their comments. The Chair asked whether consensus could be found on this language, whether there were any calls for it to be amended, improved, completed, and whether the meeting could move on. The Chair stated that if consensus could not be found on this language then, as announced, this issue could not block forever as there were many steps ahead which will continue in the reflection. The Chair stated that, in the meantime, the session would adjourn to put the ground rules clear. The Chair reiterated either a consensus or adjournment.

84. The Delegation of the United Kingdom noted that it could support this proposal and encouraged others to do the same. The Delegation thought that the proposal reflected the need for member-led decision-making and member-led oversight, which were some of the issues already in hand, and it provided a framework for three of the actions which a large number of delegations had flagged as important during the course of that morning.

85. The Delegation of Switzerland thanked the Member States that had made this proposal. The Delegation noted that these developments had happened very fast and that oral suggestions had been made by the Delegation of the United States of America. It added that it would need to clarify a number of points and that the Delegation could make some amendments. Specifically referring to the language in the proposal concerning the need to continue discussions of this matter, the Delegation pointed out that such a need had been mentioned by several Member States, but not all. Therefore, the Delegation sought to have a mention of the fact that several delegations did not wish the continuation of the discussions. The Delegation wanted to see a re-writing in this form. Following that, the Delegation had two points about the procurement policy and the principles to be mentioned in the text. Consequently, the Delegation expressed its interest to discuss this with the interested states and the proponents of the text, with a view to perhaps making a proposal.

86. The Chair asked the Delegation of Switzerland whether it was requesting the proposal in writing.

87. The Delegation of Switzerland confirmed that that was the case. With respect to the paragraph in the proposal concerning the whistleblower protection policy, the Delegation asked the Secretariat whether, according to the Delegation's information, it was adopted in 2012 and whether an audit procedure for the whole ethics policy of WIPO was under way. The Delegation sought confirmation of that. If that was the case, the Delegation suggested that perhaps it would have some proposed language so that this could be taken into account in the decision paragraph.

88. The Chair noted that all comments and observations could be made when the document was available. The Chair passed the floor to other delegations wishing to comment on the proposal submitted by the Delegation of the United States of America.

89. The Delegation of India felt that the debate should be brought back to an important issue. Without going into mathematics, the Delegation noted that the Secretariat had informed that around 32 Member States had, in their statements, in various formulations, asked for the first recommendation of the Chairs of the Coordination Committee and the General Assembly, that is, to close with no further action all investigations regarding alleged misconduct by the Director General in both DNA and procurement cases. This was not reflected in the decision. The Delegation underlined that it was not about mathematics and even if a single Member State had made statements supporting the Chairs, the concerns of that member should be reflected in the decision. The Delegation thanked the Delegation of the United States of America for putting forward its proposal but asked the Chair whether he was proposing this text as his own.

90. The Chair asked the Delegation of India what it was proposing.

91. The Delegation of India clarified that it wanted the concerns of many members, India included, reflected in the text, that is, that there be a finality to this procedure. The Delegation stated that a logical closure should be brought to this issue which was the first recommendation which was made by the Chair. The Delegation stated that it trusted the wisdom of the Chair as well as the Chair of the General Assembly and reiterated that closure should be brought to this. The Delegation explained that the further lingering of this issue would irreparably damage the credibility of WIPO, which the Delegation could not accept.

92. The Delegation of Singapore asked that the proposal be circulated in writing. The Delegation continued that from what it had heard in the oral version, it sounded like an improvement over the version that was circulated. That said, the Delegation could not say whether there was consensus. The Delegation reiterated that it would appreciate having a look at the document.

93. The Delegation of the United Republic of Tanzania welcomed the proposal put forward by the Delegation of the United States of America on behalf of the group of Member States. However, the Delegation noted that, from the proposals, there were two categories of issues which needed to be dealt with. First, there were those issues that needed to be taken as the next step after this matter had completely come to the end. The other category was issues which would follow in order to close this matter in a fair and transparent manner. These two processes needed to be segregated; otherwise there was the danger of one overriding the other. The Delegation also referred to the principles Member States had set to run this institution, cautioning against setting a bad precedence in the future for the UN system. The Delegation also noted that the proposals did not reflect the current procedures that needed to be followed, referring to the Coordination Committee and the General Assembly Chairs' final report. The Delegation said that it was concerned that this matter would lead to an unending process and that it did not want this to happen because it would delay normal procedures and dealing with substantive matters. As such, the Delegation said that there should be a deadline for the ending of this matter. The Delegation requested that the matter be reviewed in this respect.

94. The Delegation of Tajikistan reminded Member States that its position remained unchanged and it asked that the statement it had delivered earlier be taken into account.

95. The Delegation of China thanked the Delegation of the United States of America for its proposal. The Delegation was of the opinion that, with regard to procurement procedures and the IOC, discussions would help to improve the internal management of the Organization. That said, the Delegation reiterated that this discussion should not have an impact on the decision of the Chairs that was made according to the current procedure of WIPO. With regard to current WIPO rules, the Chair of the General Assembly as well as the Chair of the Coordination Committee were entitled to take the final decision concerning the report. As such, the Delegation suggested that this process be brought to an end as soon as possible.

96. The Delegation of Colombia reiterated its concern that decisions taken by the Chairs at the appropriate time were to be rewritten or changed. The Delegation welcomed the recommendations that had been made by the Delegation of the United States of America and others, looking towards the future and seeking to improve the processes which were contained in the same Chair's report. Nevertheless, the Delegation believed that it was very important that any decision should adhere concretely to the Chair's decision and to the decisions contained in the report distributed on August 5, 2016. As such, the Delegation noted that its position, which had previously been expressed, was maintained.

97. The Chair noted that, as the text of the proposal was now available, there would be a short break to go through it and consider how to move on.

98. The Chair resumed the meeting and said that he understood that inputs from the Delegation of Switzerland had been taken care of by the group of the proponents of the proposal. The Chair explained that there were two groups, one proposed to adopt the recommendations and decision by the Chairs, and another group proposed that discussions on this matter continue. The Chair stated that there was no consensus, which meant that a decision paragraph could not be made and which explained the differences. The Chair said that the solution was that paragraph one took note of the OIOS report etc., took note of the General Assembly and the Coordination Committee Chairs' conclusion and recommendations, and took note of all delegations' interventions, and then stopped there. This would drop out paragraph four and then the other paragraphs as proposed would be amended according to the Delegation of Switzerland's recommendation.

99. The Delegation of the United States of America noted that, as delegations had seen, it had been working hard to try to discuss with colleagues and incorporate a broad variety of concerns into its proposed decision language. The Delegation requested to read another proposed version which incorporated what the Delegation hoped would be a consensus view. The Delegation said that it could accept the Chair's suggestions with respect to paragraph one. With respect to paragraph two, the Delegation stated that it would remain the same, "Request the Chair to expedite the release of a redacted version of the above referenced OIOS report prior to 26 September in advance of the General Assemblies redacted to protect names and identities of individuals and legal entities". With respect to paragraph three, the Delegation noted that there would be a very slight revision, "Emphasize the importance of Member States contributing to the revisions of WIPO's Internal Oversight Charter and urged all Member States to consider supporting adoption of proposed amendments at the upcoming Assemblies." With respect to paragraph four, the Delegation read out, "Noted that this matter is included in the agenda of the October 2016 Coordination Committee and the 2016 General Assembly, so that Member States and their capitals have the opportunity to review the OIOS report." With respect to paragraph five, the Delegation noted that it was unchanged, "Requested the Director of the Internal Oversight Division to continue to make the full unredacted report available to Member States upon request, in a controlled reading room environment, immediately through at least the end of the 2016 General Assemblies." With respect to paragraph six, the Delegation noted that the first section had been revised so that it read, "Recommended to the WIPO General Assembly to direct the IAOC to consider whether WIPO's general procurement principles and related documents should be revised, taking into account the review currently being undertaken by the Director General to ensure clarity and transparency in WIPO's procurement process. The conclusions and/or recommendations will be submitted at the PBC for consideration by Member States." The Delegation then noted that the final paragraph under the recommendations to the General Assembly would read as follows, "to direct that WIPO's whistleblower protection policy and its implementation be reviewed to ensure that the policy takes into account lessons learned, recent developments in this area and best practices from other organizations."

100. The Chair thanked the Delegation of the United States of America and noted that with respect to paragraph two, there were issues which needed to be resolved, hopefully quickly. With respect to paragraph three, the Chair had not noticed something which was not very consistent. He read out the paragraph, "emphasize the importance of Member States contributing to the revision of WIPO's Internal Oversight Charter and urged all Member States to support the adoption of proposed amendment", and stated that a proposal could not urge something which was not yet there and it might suffice to emphasize the importance of contributing to WIPO's Internal Oversight Charter. With respect to paragraph four, the Chair proposed that it be incorporated within paragraph one and explained that if paragraph four was kept, it would be proposed that another paragraph be added concerning the proposal of those Member States, which were the majority in the room, which recommended to apply the Chairs' recommendations. To avoid a non-consensual paragraph and endless debate, the Chair noted that the proposal was to drop all specific views on the review and consideration of the report. The Chair emphasized that the report, review and the interventions of Member States would be

taken note of. In this way, all views would be respected and all inputs acknowledged without comment on them. The Chair suggested that this would be the best way to reach language consensus. The Chair clarified that, if paragraph four was adopted, then another paragraph would have to be included regarding other proponents' proposals. The Chair recommended that delegations try to converge interventions. The recommendation would be on record and it was not going to be diminished or erased, or not considered, as it was part of all delegations' interventions and proposals. The Chair summed up that there were two proposals, first to drop paragraph four and replace it by "took note of delegations' interventions", and second, in paragraph three, the Chair said that asking members to support something which did not exist was not appropriate. The Chair asked whether the Delegation of the United States of America could live with these proposals.

101. The Delegation of the United States of America stated that it could live with the first of these proposals.

102. Following a short break, the Chair resumed the meeting and thanked all delegations for their continuous effort towards converging on a document which will be acceptable to all, stating that he would not go through those consensual paragraphs that everyone seemed to agree upon. The Chair recalled that paragraph 1 became "Took note of the OIOS report on", followed by the title of the report and continues as "took note of the GA and CoCo Chair's conclusion and recommendations, and took note of all delegations' interventions and recommendations." The Chair noted that this resulted in paragraph 4 being dropped, which he said had been accepted by the proponents of the proposal. The Chair stated that paragraph 3 became "emphasize the importance of Member States contributing to the revision of WIPO's Internal Oversight Charter and urged all Member States to support adoption of proposed amendment in the upcoming Assemblies." The Chair expressed his view that, whilst it called upon Member States to contribute as much as possible, Member States could not be urged to support something that was not yet in hand, and that this was close to impossible for most Member States. He hoped that the Delegation of the United States of America could make its final proposal on behalf of the group, which would avoid the need to adjourn.

103. The Delegation of the United States of America clarified that its acceptance of omitting paragraph 4 was in its national capacity. The Delegation said that it would like to make a couple of final proposals and hoped that consensus could be reached. The Delegation said paragraph 1 could remain as the Chair suggested. The Delegation suggested that paragraph 2 could read "Recognizing that this matter is on the agenda of the October 2016 CoCo and 2016 GA, requested the Chair to expedite the release of a redacted version of the above referenced OIOS report prior to 26 September 2016 in advance of the General Assemblies, redacted to protect name and identities of individuals and legal entities."

104. The Chair suggested that the Committee proceed paragraph by paragraph and asked if there were any objections or proposals to paragraphs 1 or 2.

105. The Delegation of Singapore noted that it was perturbed by the meaning of the revised paragraph, querying whether it meant that the case was still open or closed, which the Delegation believed was a fundamental question that needed to be asked. The Delegation noted its view that the phrasing included in the intervention by the Delegation of the United States of America suggested that the case was actively and vibrantly alive.

106. The Delegation of India aligned itself with the statement made by the Delegation of Singapore, stating that, according to its understanding, the majority of the members of the Coordination Committee were of the view that the Chairs' decisions should be supported, which should be clearly reflected in the decision paragraphs. The Delegation wanted to reiterate this important point. The Delegation asked the Legal Counsel what the next step forward would be and how the deadlock could be resolved, in the event that consensus could not be reached in the Coordination Committee.

107. The Legal Counsel referred to the WIPO rules and procedures, stating that, in the event that a proposal is tabled for adoption and consensus cannot be reached, there is the possibility to vote on the proposal in accordance with the rules.

108. The Chair noted that there appeared to be consensus on paragraph 1, given that no delegation had intervened to express a different view. With respect to paragraph 2, the language appeared to be agreeable to the Delegations of India and Singapore. The Chair asked the Delegation of the United States of America whether it could consider reverting to its initial position which captured its ideas, noting that the point was to expedite the release of the report, which was already under way. The Chair expressed his belief that this was possibly a redundant recommendation because it was already being done, although he noted that it was a good recommendation. The Chair asked whether the Delegation of the United States of America could accept removal of the language, given that it might cause deadlock.

109. The Delegation of the United States of America expressed its view that the language that it had added was actually just a statement of fact, and it did not understand the harm in stating a fact noting that that this was, in fact, on the agenda of the next session of the Coordination Committee and the General Assembly.

110. The Delegation of Singapore wanted to address the Chair's comment that there was consensus on his revised paragraph 1, noting that the Chairs of the General Assembly and the Coordination Committee did not produce conclusions, but decisions and recommendations. The Delegation suggested that "conclusions" be replaced by "decisions".

111. The Chair asked the Delegation of Singapore how it would formulate the language.

112. The Delegation of Singapore agreed with everything that the Chair had recommended, except for the "Took note of the GA and CoCo Chairs' conclusions and recommendations". The Delegation suggested deleting "conclusions" and replacing with the word "decisions", which it thought would be a more accurate reflection.

113. The Chair turned to paragraph 2, recalling the explanation given by the Delegation of Singapore that the text implied that the issue was vibrant. The topic was being discussed in the Coordination Committee because the proponents had requested that it be brought to the attention of the Coordination Committee and, in the same way, it would be discussed during the forthcoming General Assembly and Coordination Committee. The Chair stated that another group of members would have preferred not to have an item on the agenda of the Coordination Committee, and that that was the reason for opposition, although no member could be opposed from exercising their right to propose an issue for consideration by a body. He understood that some members were sensitive because the new language could cause friction because of an implied assumption. The Chair asked the Delegation of the United States of America whether it could accept deletion of this paragraph.

114. The Delegation of the United States of America noted that the Delegation of Nigeria wished to make an intervention.

115. The Delegation of Nigeria expressed its support for the intervention made by the Delegation of the United States of America, agreeing that it was factual information because, unless the Secretariat confirmed otherwise, the agenda item was on the agenda for the following Coordination Committee session and the General Assembly. In its view, the addition of paragraph 2 was only stating something that was factual and the Delegation did not see it as implying that the subject was vibrant, to use the words of the Chair, rather that it was an on-going discussion, otherwise there would have been no reason to have it on the agenda of the Coordination Committee and the General Assembly. The Delegation asked for clarification on paragraph 1, noting that it would be helpful to see the paragraph in writing.

116. The Chair said that his proposal was simply to remove paragraph 4, as retaining paragraph 4 would mean the decision points would show the conflicting debate. In the Chair's view, adding the differing positions of 32 and 9 countries would not help the progress of the meeting. He suggested dropping paragraph 4. He recalled that paragraph 4 stated that all delegations interventions and recommendations would be taken note of which were on the record anyway. The Chair asked the Delegation of Nigeria if it was happy with this.

117. The Delegation of Nigeria said it would not have a problem with removing paragraph 4 but reflected that as this is on the agenda for the next two sessions, as added to paragraph 2, it would not be a problem because it was factual. The Delegation said that it did not think we needed to list the number of countries; nine said this and 32 said that. The Delegation said that, if this route was gone down, then committees would say some delegations expressed so and so, and some delegations expressed so and so; the number of countries did not need to be listed. The Delegation stated that it would be willing to drop paragraph 4, if it was noted that this agenda item was for further discussion.

118. The Chair said that the negotiation could not work that way, that points should be taken one by one and they were totally independent. It was not give or take. The Chair stressed that delegations needed to move together on each and every paragraph. So if delegations were alright with paragraph 1, that would be agreed, and discussions would proceed in this way until a consensus was reached. The Chair expressed his view that, if a consensus could not be reached, then members could vote or the meeting could be adjourned. But the logic of 'give me paragraph 1 and I will give you paragraph 7' would never work.

119. The Delegation of Pakistan supported the Delegation of Nigeria, stating that it looked at things in their entirety and the Delegation had already agreed to paragraph 1. The Delegation thought that it was being quite flexible, stating a factual position and it could not see how it could be interpreted to mean that it was divisive. The Delegation thought that it was a fact that the agenda item was on the following sessions of the Coordination Committee and of the General Assembly, unless it was clarified that it was not, in which case, the Delegation could reconsider. The Delegation said that it had been pretty flexible and had provided textual suggestions. If there were other texts, then the Delegation could work with other delegations to see what could be agreed on, rather than just stating time and again that so many countries were for this and so many were against it. The Delegation said that a vote was not being pursued yet and noted that it wanted textual suggestions which it considered would be more constructive.

120. The Chair said that he was on the side of consensus and that his advice was to consider giving up anything which would block the consensus, which was in everyone's interest. He signalled his intention to ask the Delegations of Singapore and India for their thinking on paragraph 2, to see if they were ready to move on to that. In the Chair's view, this exercise would take a very long time. The Chair asked delegations to reflect whether the issue was a fundamental one for them and he underlined that it did not matter who was making the concession; the concessions were not being counted and there was no fight. The Chair stated that a good consensus was being sought and he stressed that he was not on any side, just that of consensus. He stated that his role was to make sure that rules were respected as was every member's right to speak. The Chair asked whether those that had opposed would be willing to retain the language.

121. The Delegation of Singapore said that, in the spirit of consensus building, it would have been prepared, very reluctantly, to go along with the formulation of paragraph 2 based on the second paper that was circulated, which read: "Requested the Chair to expedite the release of a redacted version of the above referenced OIOS report prior to 26 September in advance of the General Assemblies etc.". The Delegation said that the reason it said it would have reluctantly agreed to it in the spirit of consensus is that it was something that was already in the Chairs' recommendations and so was not necessary. But there was, indeed, an additional element in the sense of asking for it to be expedited and requesting a specific date. The

Delegation thought that this was something new, which was not unreasonable for the Coordination Committee to decide to add, although the Delegation did not really think that was necessary. The Delegation said that its position on the second part of the phrase, “Redacted to protect names and identities of individuals and legal entities”, was very clear. The Delegation fully supported the decisions and recommendations of the two Chairs and again, in the spirit of compromise, it could have been prepared to go along with that, but the oral revision that had just been made was just too much. The Delegation said that facts are facts. How facts are used, how facts are presented, changes perceptions, changes outcomes. The Delegation said that it is a fact that it is an agenda item that was requested by certain proponents, but the intention of the proponents was something that it was here that day to find out. The Delegation was hoping, together with many other delegations in the room, that they could agree to respect existing rules under which the Chairs have already decided, as they had reported, and made certain recommendations, that was what it was hoping to hear that day. The Delegation said that, if the presentation of certain facts is in a manner to skew something, to give a perception of certain bias, then it was not in the spirit of consensus building, and it could not accept the orally presented revised paragraph 2. The Delegation could, reluctantly, join in the consensus for the second paper, formulation of paragraph 2. The Delegation hoped that it was being clear.

122. The Chair confirmed that this was clear.

123. The Delegation of India recalled that somebody had very famously said facts are stubborn, and that the fact of that day’s meeting was that the majority of the members present in the Coordination Committee had completely supported the decisions. There were four decisions on paper and it had been written in very clear language. The Delegation said that it did not know why additional language needed to be there, stating that the Chair had made a decision and recommendation, along with the Chair of the General Assembly, to close with no further action all investigations regarding alleged misconduct by the Director General in both the DNA and the procurement case, and so on. The Delegation wanted this to be adopted, unanimously.

124. The Chair stated that there was a proposed decision to adopt the decision by the Chairs. The Chair said that it had been proposed to replace this idea because, as per the rules, the decision is final, and so the Coordination Committee should just take note of it. He asked whether that would be acceptable to delegations.

125. The Delegation of Germany, speaking in its national capacity, wondered whether there was a big contradiction in the room. The Delegation noted that one question related to the decisions by the Chair and his colleague, the Chair of the General Assembly, and the other question related to whether the Member States of the Coordination Committee had the possibility to discuss an issue. The Delegation thought that these were two separate items, and the Chair and his colleague had both asked for a redacted version to be made available to the Member States, to inform the Member States. The Delegation asked if the Chair foresaw a discussion of the redacted version of the report, which it suggested was the thinking behind this point. This was theoretically a different item than the decision of the Chairs of the Coordination Committee and the General Assembly concerning the OIOS report and how to deal with it.

126. The Chair asked the Delegation of Germany if it could clarify its proposal.

127. The Delegation of Germany said the ability to discuss something or to express its views in a committee was not linked to the Chairs’ decision.

128. The Chair said that he fully agreed with this and no one opposed it being on the agenda. He said that, because it was open, it was the right of the members to comment, even on closed business. Members could title something ‘flawed review by the Chairs’ and whatever was wanted. This was not the question. The question was whether there was an implication, as raised by the Delegations of Singapore and India, that the language implied a formal statutory

challenge to the Chairs' decision. The Chair said that, in the interests of the outcome of the meeting, consideration should be given to removing anything which did not add to the substance, which created conflict and friction, which was not essential and which was perceived by some as negative. Otherwise the meeting would continue for a long time and the Chair's next proposal would be for members to choose either between a lunch break or adjournment of this question. He repeated that it would be adjournment of this question and not adjournment of the Coordination Committee session. The rules were very clear: if you could not reach a consensus in a reasonable condition and time, the members should agree to adjourn the question.

129. The Delegation of the United States of America expressed its appreciation to the Chair and delegations in the room for their efforts to bring the matter to a close and requested five minutes for consultations.

130. The Chair reopened Agenda Item 4, noting that one pending issue remained. The Chair asked the Delegation of the United States of America to inform members of the outcome of their consultations.

131. The Delegation of the United States of America thanked the Chair for the extra time that he had allowed, but requested time for further consultations.

132. The Chair stated, as per WIPO rules, having not been able to find a consensus on Agenda Item 4 and awaiting additional input from the proponents, he would suspend the agenda item and move to Agenda Item 5. The Chair recalled the decisions taken by the Coordination Committee that day under Agenda Item 2 and Agenda Item 3. The WIPO Coordination Committee adopted the agenda contained in document WO/CC/72/1 Prov.2. Regarding Agenda Item 3, the WIPO Coordination Committee approved the appointment of the Deputy Director General, Ms. Sylvie Forbin, for the period indicated in paragraph 12 of document WO/CC/72/2. The Chair stated that, at that juncture, the meeting was adjourned pending the proponents providing their inputs on Agenda Item 4.

133. The Delegation of the United States of America raised a point of order.

134. The Chair ruled that the meeting would be adjourned unless the proponents could come up with the input that they were requested to prepare. If this was the case then the meeting would be resumed. The Chair said the rules were being applied and members could not be held there in the room for another two, three or four hours. He said that he had given all the time that had been requested. The Chair stated, with due respect and noting that he was not saying anything against the Delegation of the United States of America, but with due respect, that he was adjourning the meeting and adjourning the deliberation on points discussed in Agenda Item 4.

135. The Delegation of the United States of America noted that it moved to suspend the meeting prior to the Chair adjourning the meeting and, under Rule 20, the suspension of the meeting needed to be considered first. The Delegation noted that they were suspending the meeting to have further consultations and those consultations were ongoing in the hall way.

136. The Chair stated that he had ruled on suspension.

137. The Chair reopened Agenda Item 4, reminding delegations that decisions had already been adopted on Agenda Items 2 and 3. He recalled that the meeting was suspended and consultations continued, in order that there could be discussion on the final proposed version for Agenda Item 4. The Chair noted that, after further consultations across the membership, the proponents had come with a proposal that he thought was acceptable and would recommend for their consideration for adoption.

138. The Chair read the proposed decision paragraph:

“The seventy-second (26th extraordinary) Coordination Committee, taking note of the discussions held under “Review of the Office of Internal Oversight Services (OIOS) Report”:

“(1) Took note of the OIOS Report of the GA and CoCo chairs decisions and recommendations dated August 5, and of all interventions by Member States.

“(2) Requested the Chair to expedite the release of a redacted version of the above referenced OIOS Report prior to 26 September 2016 in advance of the General Assemblies, redacted to protect names and identities of individuals and legal entities.

“(3) Emphasized the importance of Member States contributing to the revision of WIPO’s Internal Oversight Charter prior to the upcoming assemblies and urged all Member States to carefully consider proposed amendments at the upcoming assemblies.”

139. The Chair noted that the new language was “urged all Member States to carefully consider proposed amendments at the upcoming Assemblies” or maybe to consider amendments to be proposed etc. He noted that this was not a big deal and continued to read the decision paragraph:

“(4) Requested the Director of the Internal Oversight Division to continue to make the full unredacted report available to Member States upon request, in a controlled reading room environment immediately through, at least, the end of the meetings of the 2016 Assemblies of WIPO Member States.

“(5) Recommended to the WIPO General Assembly to direct:

“1. The IAOC to consider whether WIPO’s General Procurement Principles and related documents should be revised taking into account the review currently being undertaken by the Director General as recommended by the GA and CoCo Chairs to ensure clarity and transparency in WIPO’s procurement process, so that the conclusions and recommendations will be submitted to the PBC for consideration by Member States.

“2. To direct that WIPO’s whistleblower protection policy and its implementation be reviewed to ensure that the policy takes into account lessons learned, recent developments in this area and best practices from the organizations.”

140. The Chair submitted the document for adoption.

141. The Delegation of the United Republic of Tanzania thanked the Chair and the proponents for having reviewed their proposal. The Delegation wanted to raise point 3, in particular “Emphasis of the importance of Member States contributing to the review of WIPO’s Internal Oversight Charter prior to the upcoming Assemblies”. The Delegation said that it had some difficulty with the words “Prior to the upcoming Assemblies”, as it understood that any review to be proposed was to be targeted at future use, after this matter had been settled. The Delegation did not want the reviewed procedures to be used in any of the coming Assemblies, before the matter had been settled. Accordingly, the Delegation was proposing the deletion of the wording “Prior to the upcoming Assemblies”.

142. The Chair asked the Delegation of the United States of America and other proponents to respond and try to find convergence with the Delegation of the United Republic of Tanzania regarding “Prior to the upcoming Assemblies”, and asked if the idea was that this should be a

permanent exercise not linked to a specific Assembly or did they not want the next Assembly to deal with the revision of WIPO's Internal Oversight Charter.

143. The Delegation of the United Republic of Tanzania noted that, the way it was worded, it was implied that it needed to be reviewed first, so that it could be used for the next General Assembly, and the Delegation sought a clarification from the proponents.

144. The Delegation of the United States of America said it could accept the proposed language change, the deletion of "Prior to the upcoming Assemblies", because the 25th PBC had already addressed this issue.

145. The Chair thanked the Delegation of the United States of America and noted that he believed that there were no other objections to the proposal. He noted his intention to allow an additional minute to make sure that he was not interrupted when using the gavel to conclude the meeting. He noted that delegations remained entitled to their opinion, but asked that 'when it is over, it is over'. The Chair then noted that the proposal was adopted and, with that, Agenda Item 4 was concluded.

146. "The seventy-second (26th extraordinary) Coordination Committee, taking note of the discussions held under "Review of the Office of Internal Oversight Services (OIOS) Report":

- (1) Took note of the OIOS Report on "Abuse of authority and procurement irregularities implicating a staff member of the World Intellectual Property Organization (ID Case N. 0164/15)," of the GA and CoCo Chairs' decisions and recommendations dated August 5, 2016, and of all interventions by Member States.
- (2) Requested the Chair to expedite the release of a redacted version of the above referenced OIOS Report prior to 26 September 2016 in advance of the General Assemblies, redacted to protect names and identities of individuals and legal entities.
- (3) Emphasized the importance of Member States contributing to the revision of WIPO's Internal Oversight Charter prior to the upcoming Assemblies and urged all Member States to carefully consider proposed amendments at the upcoming Assemblies
- (4) Requested the Director of the Internal Oversight Division to continue to make the full unredacted report available to MS upon request, in a controlled reading room environment immediately through, at least, the end of the meetings of the 2016 Assemblies of WIPO Member States.
- (5) Recommended to the WIPO General Assembly to direct:
 1. The IAOC to consider whether WIPO's General Procurement Principles and related document should be revised, taking into account the review currently being undertaken by the Director General, as recommended by the General Assembly and the Coordination Committee chairs, to ensure clarity and transparency in WIPO's procurement process, so that the conclusions and/or recommendations will be submitted to the PBC for consideration by Member States.
 2. That WIPO's Whistleblower Protection Policy and its implementation be reviewed to ensure that the Policy takes into account lessons learned, recent developments in this area, and best practices from other organizations."

ITEM 5: ADOPTION OF THE REPORT

147. The Chair recalled the decisions taken by the WIPO Coordination Committee as follows:

Agenda Item 2:

The WIPO Coordination Committee adopted its agenda as proposed in document WO/CC/72/1 Prov.2.

Agenda Item 3:

The WIPO Coordination Committee approved the appointment of Ms. Sylvie Forbin as Deputy Director General for the period indicated in paragraph 12 of document WO/CC/72/2.

Agenda Item 4:

The Chair noted the decision read and adopted in paragraph 146.

148. The Chair invited the Secretariat to circulate the draft report as soon as possible that week, noting the usual practice that delegations would be invited to provide comments on the draft and the final report would then be circulated and deemed adopted. The Chair noted that there was no objection and it was so decided.

ITEM 6: CLOSING OF THE SESSION

149. The Delegation of the United States of America thanked the Chair for his leadership and for the constructive proposals that allowed the dialogue to move forward. The Delegation appreciated the constructive contributions and flexibility of all delegations. The Delegation believed that the outcome was an important step that would contribute to the consideration and potential adoption of significant procedural changes that would enhance WIPO's efficiency and transparency. The Delegation was pleased that discussions would continue at the Coordination Committee and the General Assembly Sessions in October 2016.

150. The Delegation of Nigeria welcomed the decision reached on Agenda Item 4, concerning the Review of the OIOS Report. The Delegation awaited reception of the draft report during the week for appropriate review of the conclusions and recommendations, before the 2016 General Assembly and Coordination Committee Sessions.

151. The Delegation of India wished to place on record its sincere appreciation of the Chair's hard work and able leadership. In addition, the Delegation wished to place on record that the current position was its initial position. However, it reserved the right to change its position once all the documents were transmitted to its capital.

152. The Chair thanked all delegations for participating actively. As lessons learned from this Coordination Committee, the Chair noted that having a firm position on issues of interest was not opposed to upholding the sense of dialogue, of mutual respect and continuously looking for a compromise. The Chair stated that that lesson should be the most crucial reminder to always keep that spirit whenever important issues arise. The Chair wished all Muslim brothers and sisters a holy Eid-al-Adha. In conclusion, the Chair thanked the Director General and the Secretariat for their work. The Chair thanked the interpreters for their tireless efforts and declared the meeting closed.

[Annex follows]

I. ÉTATS MEMBRES/MEMBER STATES

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French)

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