

## **Program and Budget Committee**

**Thirty-Sixth Session**  
**Geneva, June 19 to 23, 2023**

### **PROPOSED AMENDMENTS TO THE SELECTION PROCEDURE FOR THE MEMBERS OF THE WIPO INDEPENDENT ADVISORY OVERSIGHT COMMITTEE (IAOC) AND ITS TERMS OF REFERENCE**

*prepared by the Secretariat*

#### **INTRODUCTION**

1. Following a proposal by the Secretariat, in 2021, to revise the selection procedure for the members of the Independent Advisory Oversight Committee (IAOC), the Program and Budget Committee (PBC) recommended to the WIPO General Assembly to approve the proposed revision of the selection procedure, which resulted in the addition of Annex IV to the WIPO Financial Regulations and Rules (FRRs) on October 15, 2021. Paragraph 7 thereof provides, in relevant part, that “[e]xpertise as well as geographical distribution, rotation, and *gender balance* should guide the selection process” (emphasis added).

2. The most recent round of recruitment for five new members of the IAOC took place in 2021-2022, and was conducted pursuant to Annex IV of the FRRs. The recruitment procedure was administered by a Selection Panel composed of seven members representing each of WIPO’s Groups of Member States, six of whom were male and one was female. At the Thirty-Fourth session of the PBC in June 2022, the Selection Panel presented a report recommending to the PBC five new candidates for membership of the IAOC, all of whom were male. As the two remaining members of the IAOC (each of whom still had one term left) were also male, the recommendations of the Selection Panel, if approved, would result in an all-male IAOC as of February 1, 2023. While the PBC approved the Selection Panel’s recommendations, a number of Member States expressed their concerns over the lack of gender balance on the IAOC, as derived from the selection process and procedures.

## CONSULTATION PROCESS

3. The Secretariat took note of these concerns, and in November 2022, it invited the Member States, *via* the Group Coordinators, to a meeting to discuss the issue of gender balance, both on the Selection Panel and on the IAOC, since the composition of these two bodies was a matter for decision by the Member States. At this meeting, Member States indicated that gender balance on the Selection Panel and on the IAOC should not be made a mandatory requirement, while agreeing that the commitment to gender balance should be strengthened, in both the selection procedure for the members of the IAOC (Annex IV of the FRRs), and the IAOC's ultimate composition, as stipulated in its Terms of Reference (Annex III of the FRRs). Member States requested the Secretariat to propose language to that effect.

4. In January 2023, the Secretariat met informally with each of the Group Coordinators to propose and discuss the text of limited amendments to Annexes IV and III of the FRRs, in line with the general direction indicated by the Member States. Following these informal meetings, in February 2023, the Secretariat formally consulted the Member States on the proposed text leading to a constructive written exchange of positions. The matter was discussed further during a meeting organized by the Secretariat in early March 2023, which was then followed by a further written exchange of positions, culminating in the circulation of a final proposed text at the end of that month, to which no objections were received.

## PROPOSED AMENDMENTS

5. The present document contains a proposal to the PBC for amendments to the selection procedure for the members of the IAOC (Annex IV of the FRRs), as well as an amendment to one paragraph of the Terms of Reference of the IAOC (Annex III of the FRRs), reflecting the outcome of the consultations with the Member States.

6. The proposed amendments to Annexes IV and III of the FRRs are attached to this document as an Annex. To facilitate review of these changes, the Annex contains a table that shows the proposed amendments in track changes format, as well as a brief description of the rationales therefor.

### Proposed Amendments to the Selection Procedure

7. Apart from the fact that gender balance on the Selection Panel would be desirable in and of itself, it was recognized, as a first step, that the chances of achieving gender balance on the IAOC would be greater if the Selection Panel itself reflected gender balance, since it is the body responsible for administering the competitive recruitment process. Paragraph two of Annex IV of the FRRs, concerning the establishment and composition of the Selection Panel, currently does not contain any reference to gender balance. It is therefore proposed to add language to that provision to take into account the need to ensure gender balance when Member States establish the Selection Panel.

8. If, in a particular recruitment round, the Selection Panel's recommendations of candidates would not result in gender balance on the IAOC, the selection procedure, as currently drafted, does not require the Panel to provide reasons in its report to the PBC. It is proposed to add such an obligation to paragraph 27 of Annex IV of the FRRs, to strengthen the commitment to gender balance, by promoting accountability and transparency.

### Proposed Amendment to the IAOC's Terms of Reference

9. The proposed amendments to the selection procedure are expected to have a positive impact on achieving gender balance on the IAOC. Paragraph 7 of Annex III of the FRRs

currently requires gender balance to be taken into consideration in the overall composition of the IAOC. To strengthen the commitment to gender balance on the IAOC without making it mandatory, it is proposed to change the language of paragraph 7, by requiring that gender balance should be ensured to the maximum extent possible.

10. The Secretariat informed the IAOC at its sixty-eighth meeting in March 2023 that the Member States were in the final stages of discussion on the proposed changes to Annexes IV and III of the FRRs. The Secretariat subsequently shared the text of the proposed changes with the IAOC, following the conclusion of consultations with Member States.

## **OTHER STEPS**

11. As mentioned during the November 2022 meeting, the Secretariat has also identified areas in which it could actively work with the Member States to encourage gender balance on the Selection Panel and the IAOC. For example, at the start of the process when Groups of Member States are invited to nominate individuals to serve on the Selection Panel, it could be specified in the request that prior to submitting their respective nominations to the Secretariat, the Groups coordinate with each other to take into account the need to ensure gender balance. In addition, the Secretariat is committed to working closely with the Diplomatic Engagement and Assemblies Affairs Division and the Human Resources Management Department to carry out more targeted outreach and/or recruitment campaigns in the future, in order to encourage applications from sufficiently qualified women for upcoming vacant positions on the IAOC.

12. Paragraph 32 of Annex IV and paragraph 29 of Annex III of the FRRs expressly provide for the possibility of review of these documents by Member States. Pursuant to these provisions, the proposed amendments to paragraphs 2 and 27 of Annex IV and to paragraph 7 of Annex III of the FRRs are submitted for consideration by the PBC and approval by the WIPO General Assembly.

13. The following decision paragraph is proposed.

14. *The Program and Budget Committee (PBC) recommended to the WIPO General Assembly:*

*(i) to approve the proposed amendments to the selection procedure for the members of the WIPO Independent Advisory Oversight Committee (IAOC) (Annex IV of the Financial Regulations and Rules), contained in the Annex of document WO/PBC/36/3; and*

*(ii) to approve the proposed amendment to the Terms of Reference of the WIPO Independent Advisory Oversight Committee (IAOC) (Annex III of the Financial Regulations and Rules), provided in the Annex of document WO/PBC/36/3.*

[Annex follows]

**ANNEX - PROPOSED AMENDMENTS TO ANNEX IV OF THE FINANCIAL REGULATIONS AND RULES AND CONSEQUENTIAL CHANGE TO ANNEX III OF THE FINANCIAL REGULATIONS AND RULES**

<b>ANNEX IV of the Financial Regulations and Rules</b>			
<b>Current Text</b>	<b>Proposed amendments (“track changes”)</b>	<b>Final “clean” text</b>	<b>Reason for proposed change</b>
<b>B: ESTABLISHMENT OF THE SELECTION PANEL</b>		<b>B: ESTABLISHMENT OF THE SELECTION PANEL</b>	
<p>2. The Panel shall be composed of seven members. The Director General shall invite each Regional Group of countries of WIPO Member States to nominate one suitable individual from that Group to constitute the seven-member Panel. There can be no more than one member of the Panel of any given nationality. The members of the Panel shall ensure their availability to carry out their mandate throughout the entire recruitment process.</p>	<p>2. The Panel shall be composed of seven members, <b>taking into account the need to ensure gender balance</b>. The Director General shall invite each Regional Group of countries of WIPO Member States to nominate one suitable individual from that Group to constitute the seven-member Panel. There can be no more than one member of the Panel of any given nationality. The members of the Panel shall ensure their availability to carry out their mandate throughout the entire recruitment process.</p>	<p>2. The Panel shall be composed of seven members, taking into account the need to ensure gender balance. The Director General shall invite each Regional Group of countries of WIPO Member States to nominate one suitable individual from that Group to constitute the seven-member Panel. There can be no more than one member of the Panel of any given nationality. The members of the Panel shall ensure their availability to carry out their mandate throughout the entire recruitment process.</p>	<p>To introduce an express requirement to take into account the need to ensure gender balance when composing a Selection Panel.</p>
<b>G: RECOMMENDATION AND APPOINTMENT</b>		<b>G: RECOMMENDATION AND APPOINTMENT</b>	
<p>27. The Panel shall make its final recommendation(s) to the PBC, via a detailed report, the draft of which shall be prepared by the Secretary. The report shall be approved by the Chair and by each member of the Panel. The Panel shall also attach to its report curricula vitae for all individuals being recommended for appointment to the IAOC.</p>	<p>27. The Panel shall make its final recommendation(s) to the PBC, via a detailed report, the draft of which shall be prepared by the Secretary. <b>In case gender balance on the IAOC would not be achieved pursuant to paragraph 7 of Annex III, the Panel shall indicate in its report the reasons therefor.</b> The report shall be approved by the</p>	<p>27. The Panel shall make its final recommendation(s) to the PBC, via a detailed report, the draft of which shall be prepared by the Secretary. In case gender balance on the IAOC would not be achieved pursuant to paragraph 7 of Annex III, the Panel shall indicate in its report the reasons therefor. The report shall be approved by the Chair and by each member of the Panel. The Panel shall also attach to its report curricula vitae for all</p>	<p>To require the Selection Panel to justify its recommendations to the PBC, in case they would not lead to gender balance on the IAOC.</p>

<b>ANNEX IV of the Financial Regulations and Rules</b>			
<b>Current Text</b>	<b>Proposed amendments ("track changes")</b>	<b>Final "clean" text</b>	<b>Reason for proposed change</b>
	Chair and by each member of the Panel. The Panel shall also attach to its report curricula vitae for all individuals being recommended for appointment to the IAOC.	individuals being recommended for appointment to the IAOC.	
<b>ANNEX III of the Financial Regulations and Rules</b>			
<b>C: MEMBERSHIP AND QUALIFICATIONS</b>		<b>C: MEMBERSHIP AND QUALIFICATIONS</b>	
7. The overall composition of the IAOC shall reflect collegiality, as well as the right mix of skills and expertise, taking into consideration gender balance. The IAOC should collectively possess the following competencies: [...]	7. The overall composition of the IAOC shall reflect collegiality, as well as the right mix of skills and expertise, <del>taking into consideration</del> ensuring gender balance to the maximum extent possible. The IAOC should collectively possess the following competencies: [...]	7. The overall composition of the IAOC shall reflect collegiality, as well as the right mix of skills and expertise, ensuring gender balance to the maximum extent possible. The IAOC should collectively possess the following competencies: [...]	To strengthen the commitment to gender balance on the IAOC, without making it mandatory.

[End of Annex and of document]