



JOINT INSPECTION UNIT
of the United Nations System

CORPS COMMUN d'INSPECTION
du Système des Nations Unies

The Chairperson
La Présidente

Ref.: O.28

25 September 2007

Dear Mr. President,

I have the honor to refer to document A/43/INF/8 of September 21, 2007, entitled Brief [sic] Note on Allegations Against the Organization and its Director General, in particular, paragraphs 19 through 21.

The Joint Inspection Unit (JIU) works for Member States and is responsible to the United Nations General Assembly and to the legislative organs of the various organizations of the United Nations system. The Inspectors are given the "broadest powers of investigation" and are guided in their work by the Statute of the Unit as approved by the General Assembly and ratified by the legislative organs of the various participating organizations. This Statute states in Article 6(1) the following:

"Acting singly or in small groups, the Inspectors shall make on-the-spot inquiries and investigations, some of which may be without prior notification, as and when they themselves may decide, in any of the services of the organizations." Indeed, Article 6(2) continues by stating that "The Inspectors shall be accorded full co-operation by the organizations at all levels, including access to any particular information or document relevant to their work."

Within the framework of this mandate and based on our preliminary assessment of the serious allegations lodged as well as additional information we obtained, we verified the allegation that the date of birth of the Director General had been changed. Thus, we concluded an investigation was warranted and urged the Acting Internal Auditor of WIPO by letter of June 8, 2006 to conduct an investigation into the allegations that we had received in order to put the issues to rest, one way or the other. The Internal Auditor, after having preliminarily examined documents attached to my letter to him, informed that he would carry out such an investigation.

Our letter to the Internal Auditor did not receive wide dissemination. In fact, it was limited only to the Internal Auditor. However, by letter of June 16, 2006, because of our concern about this issue, we informed the Chairman of the Audit Committee, given the functional relationship between the Audit Committee and the Internal Auditor and the Audit Committee's role to monitor audit performance. We also informed the Chairman of the Coordinating Committee because the change in the date of birth had significant

ramifications for documentation and action before and by the Coordinating Committee at that time. No anonymous letter was distributed or copied to anyone as indicated in paragraph 19 of the referenced document. This is simply false.

Paragraph 21 speaks to the seemingly turbulent JIU/WIPO relationship. Unfortunately, we believe this may be the case and would like to change this for the better. We believe this situation arose as a result of the JIU's report entitled: Review of Management and Administration in WIPO: Budget, Oversight and Related Issues (JIU/REP/2005/1). This report was quite critical of management practices in WIPO and thus not well received by WIPO management. The JIU did design a matrix in response to the Secretariat's response to our recommendations that we disseminated by e-mail to every member state in advance of the 2005 WIPO Assembly. It was not selectively distributed, as alleged in paragraph 21. Because the WIPO Secretariat declined to provide us with the requisite information, we forwarded the matrix to our own listing of WIPO Assembly members, or some 150 or so Member States. The distribution list was exhaustive. At the actual Assembly meeting when a Member State requested the matrix be distributed to ensure everyone had the document, the Secretariat refused. An offer was made to provide it in the back of the room and again, the Secretariat refused. There was no unveiling of this matrix "by pure coincidence and the document was not prepared for the "sole benefit of certain Member States". The JIU, if requested, would be pleased to provide a copy of the e-mailed matrix and its distribution list.

The Inspectors of the Joint Inspection Unit take their obligation to discharge their duties in a fully independent manner, with the highest standards of integrity and in the sole interest of the organizations very, very seriously; no staff member or official of any organization, including the JIU, is exempt from upholding these standards. This is even more so important at the highest level of an organization for the tone is set at the top and is set by example.

Finally, we see that paragraph 8 of A/43/INF/8 dealing with the construction question states "The JIU report made no reference to fraud either". This statement is erroneous, as the building issue was not included in the scope of the JIU review. We only commented on the financing proposal for funding the new building. Reference is made to paragraphs 29 through 31 of our report wherein we state, in part: "The Inspectors did not review issues related to the remodeling of the 'old WMO building', or issues related to the contract awarded to the consortium selected for carrying out the construction of the 'new building'".

The JIU regrets that this document was distributed on September 24, the opening day of the Assembly, that it was not made available in advance to the JIU to correct the serious errors contained therein or to Member States so they could take an informed decision on the matter. We cannot help but conclude that the document is designed to deflect attention away from the real and substantive issues at hand by attempting to focus on procedures and process. This is unfortunate.

The Joint Inspection Unit wishes to inform that, as was done with the matrix, we have sent this letter by e-mail to all Member States of the WIPO Assembly.

The Joint Inspection Unit wishes to avail itself of the opportunity to present to you the assurances of its highest consideration.

Sincerely,



M. Deborah Wynes
Chairperson

His Excellency
Ambassador Martin I. Uhomoibhi
President of the Assembly
World Intellectual Property Organization
Permanent Mission of Nigeria
Rue Richard Wagner
1211 Geneva 2

cc: Mr. Kamil Idris
Director General
World Intellectual Property Organization
Geneva